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REYNOLDS HISTORICAL
GENEALOGY COLLECTION

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THE CHIEFS OF GRANT

BY

WILLIAM FRASER L.L.D.

VOL. III. CHARTERS

Pt. 2

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and seueralie, specialie constitute, greiting.—Forsameikill as it is humelie meanit and schawin to ws be oure louitt Johnne Grant of Frewquhye, that quhair we be oure charter vndir oure great seall of oure kingdome of Scotland, haue gevin, grantit, and disponit to the said complenar and the aires maill laufullie gottin or to be gottin of his bodie, quhilkis failzeing, to his aires maill beirand the surname and armes of Grant, his and thair assignayis quhatsumevir, heretablie, all and sindrie the landis of Lethintie, with the toure, fortalice, maner place, houssis, biggingis, zairdis, orchardis, milnis, milne landis and multoures thairof, the landis of Over Auchrosk, Mid Auchrosk, Garling, Nethir Auchrosk, Kirktoun of Cromedaill, Dellieehappill, and Rwinoballich, and als all and sindrie the landis of Innerellem, Glenbeg, Gaeycht, Cragan, Dregie, with the milnis and fischingis thairof, the landis of tuo Auchnarrowis, Dovnan, and Port, with all and sindrie houssis, biggingis, zairdis, orchardis, toftis, croftis, pairtis, pendicles, outsettis, grissingis, scheillingis, wodis, fischingis, annexis, connexis, dependances, and all thair pertinentis lyand within oure schirefdome of Inuernes: And we, vndirstanding that the toune of Cromedaill lyis in ane wyld and barbarous pairt of oure said kingdome of Scotland, far distant frome the sea, about the quhilk thair duellis and remaines ruid people wanting civilitie and guid maneris; thairfoir we, to the intent that the inhabitantis of the saidis boundis may be maid the mair riche and civile, we, of oure naturall inclinatioun quhilk we haue to reduce oure people to civilitie and guid maneris, and for policie and decoratioun of oure said realme of Scotland, haue maid, constitute, erectit, and creatit all and haill the said toune of Cromdaill, with all and sindrie houssis, biggingis, tenementis, waist places, zeardis, aikeris, toftis, croftis, lyand in the territorie of the said toune, in ane frie burgh of baronie, with speciall frie and plaine powar to the said complenar, his aires and successouris foirsaidis, to cheis, constitute and creat baillies ane or maa within the said burgh, with persones of counsall, clerkis, seriandis, and all vtheres officaris necessar within the samyn, for rewling and governing thairof, and thame for reasonabill caussis, als oft as neid beis to change and depose; with frie and speciall powar also to the burgessis and frie men of the said burgh laufullie electit, ressauit, and admittit to the libertie thairof, to by and sell wyne, walx, claith, alsweill of lint as woll, braid and narrow, and all vthir kynd of merchandice; and siclyk with powar to the baillies and consall of the said burgh to admitt and ressaue within the samyn baxteris, browsteris, fleschoures, tailzeouris, sowtares, wobstares, smythis, and all vthires artificeris necessar pertening to the libertie of the said frie burgh in baronie; and in lyk maner with full powar to the saidis burgessis and inhabitantis of the burgh foirsaid to big ane tolbuith and mercat croce within the samyn, and to haue ane mercat day oulklie vpoun Saturday, togidder with foure frie faires everie zeir, viz., vpoun the dayis of St. Luck, St. Peter, St. Michaell, and St. George; and with powar to collect, ressaue, intromet, and vplift all tollis and customes pertening, or that onywayis may pertene, to frie faires, and the samyn tollis and customes to the commoun weill of the said burgh to applye; courtis within the said burgh and libertie thairof als oft as neid beis to sett, begin, affix, affirme, hald, and continew;

clerkis, seriandis, and vthiris memberis of court necessar to mak, creat, and constitute; actis, statutes, and constitutiounes for observing of guid ordour to mak, all transgressoures and offendares according to the lawis of this oure realme to attatche, arreist, imprisone, and punische; and generalie, all and sindrie vthires thingis to do and exerce pertening, or that ony wayis may pertene to the privilege and libertie of the said frie burgh in baronie, and with all and sindrie vthires immunities, commodities, proffeites, and easmentis quhatsumevir, alsweill nocht nameit as nameit, pertening or that ony wayis is knawin to pertene to the said frie burgh in baronie, and als frielie in all respectis as ony burgh in baronie erectit be ws or oure predicessouris, at ony tyme bigane, hes vseit and injoyit, as the said charter maid and grantit thairvpoun mair fullie proportis; quhairvpoun necessar it is maid that publicatioun be maid to all oure liegis that the samyn may cum to thair knawledge, and nane pretend ignorence thairof in tyme cuming. Oure will is heirfoir, and we charge zow straitlie, and commandis that incontinent thir oure lettres sene ze pas to the mercat croces of and paroche kirks of and thair, be oppin proclamatioun, that ze mak intimatioun and publicatioun of all and sindrie the premissis to all our leigis, quhair throw the samyn may cum to thair knawledge, and nane pretend ignorence thairof in tyme cuming, with certificatioun and intimatioun as effeires, according to iustice, as ze will answer to ws thairvpoun: the quhilk to do we committ to zow, coniunctlie and seueralie, oure full powar be thir oure lettres, delyuering thame be zow dewlie execute and indorsat, againe to the bearer.—Gevin vndir signett, att Edinburgh, the tuentie fyve day of July, and of our regnne the fourty tua and sevint zeires, 1609.

Ex deliberatione dominorum consilii. A. QUHYTE.

256. EXCERPT from OLD RENTAL of the GRANT ESTATES, dated in 1611.[1]

The Rentall of the Baronie of Inuerallem, maid in the zeir of God ane thousand sex hundreth and ellevin zeires.

Tullouchgorme, ...	of landmaile,	i^{c}vj lib. xiij s. 4d.
Girsum ilk ffyve zeires, iiij^{xx} merkis.	of teindmaile,	iiij lib.
	of wiccarege,	iij lib. vj s. viij d.
	of multour beir,	vj bollis.
	of wedderis,	viij.
	of kiddis,	viij.
	of pultrie,	xxxij.

[1] In some places the rental has been modified by a later hand. These alterations are printed in italics.

Clowrie, ...	of landmaile,	vj^{xx} lib.
Girsum ilk ffyve zeires, iiij^{xx} libs.	of teindmaile,	iiij lib.
	of wiccarege,	iij lib. vj s. viij d.
	of multour beir,	vj bollis iij firlottis.
The auchtane pairt at the vatter syd, of	of wedderis,	ix.
girsum ilk ffyve zeires, vj libs. xiij s. 4d.	of kiddis,	ix.
	of pultrie,	xxxvi.
	ane quarter mairt.	
Westir Cure, ...	of landmaile,	liij lib. vj s. viij d.
Girsum ilk ffyve zeires, xxvj lib. xiij s. 4d.	of teindmaile,	xl s.
	of wiccarege,	xxxiij s. iiij d.
	of multour beir,	ij bollis.
	of wedderis,	ij.
	of kiddis,	ij.
	of pultrie,	xvj.
Eister Cure, ...	of landmaile,	liij lib. vj s. viij d.
Girsum ilk ffyve zeires, xxvj lib. xiij s. 4d.	of teindmaile,	xl s.
	of wiccarege,	xxxiii s. iiii d.
	of multour beir,	ii bollis.
	of wedderis,	ii.
	of kiddis,	ii.
	of pultrie,	xvi.
Ovir Finlairge, ...	of landmaile,	i^{c}vi lib. xiii s. iiii d.
Girsum ilk ffyve zeires, iiii^{xx} merkis.	of teindmaile,	iiii lib. xiii s. 4d.
	of wiearage,	iii lib. vi s. viii d.
	of multour beir,	vi bollis.
	of wedderis,	viii.
	of kiddis,	viii.
	of pultrie,	xxxii.
	of geis,	viii.
	of martis,	i.
Nether Finlairge, ...	of landmaile,	iiii^{xx} lib.
Girsum ilk ffyve zeires, lx lib.	of teindmaile,	iiii lib. 13s. 4d.
(liii lib.)	of wiearage,	iii lib. xv s.
	of multour beir,	vi bollis iii firlottis.

	of wedderis,	ix.
	of kiddis,	ix.
	of pultrie,	xxxvi.
	of geis,	ix.
	of martis,	i.
Belnatolme and Belnatrowane, thrie quarteris landis, ...	payis of land maill,	iiii^{xx} lib.

Girsum, iii^{xx} lib., and Lagan Fynlarg payis xl lib.

Of this foursoir pundis, xxcuttin wpone the thrie quarteris of Bellintome and Bellintrowane, thair is fourtie pundis cikit to the rentall for discharge of the service.

Croft Skalycht, ...	of landmaile,	xl s.
	of pultrie,	xii.
	of kiddis,	i.

The landmaile changed to x lib. and ane stone of tallown for all wther dewtie.

Mukrauche, ...	of few maile.	
	of teind maile,	iiii lib. xiii s. 4d.
	of wicarage,	iii lib. vi s. viii d.

Wester half of Fyndo Auchnahandet lyand to the Mucroche, twa young wedderis.

Gaeycht, ...	of land maile.	
Girsum ilk ffyve zeire, xl lib.	of teind maile,	liii s. iiii d.
	of wicarage,	liii s. iiii d.
	of multour beir,	iiii bollis.
	of wedderis,	iiii.
	of kiddis,	iiii.
	of pultrie,	xxxii.

Nota.—*This dawach payis of land maill xlvi lib. xiii s. iiii d. The thrie quarteris of this town heich payis iii^{xx} lib. and the laich quarter payis onlie ten pundis for maill and multur, quhairof thair is xx lib. of augmentatiown for discharge of thair service.*

Craigane, ...	of landmaile,	liii lib. vi s. viii d.
Girsum ilk ffyve zeires, xxvi lib. xiii s. iiii d.	of teind maile,	xxvi s. viii d.
	of wicarage,	xxxiii s. iiii d.
	of multour beir,	ii bollis.
	of wedderis,	iiii.
	of kiddis,	iiii.
	of pultrie,	xvi.

The Croft of Craigane, ...	of land maile,	xl s.
	of pultrie,	xii.
	of lambes,	i.
Glenbeg, ...	of land maile,	liii lib. vi s. viii d.
Girsum ilk ffyve zeires, xxvi lib. xiii s. iiii d.	of teind maile.	
	of wicarage,	xxxiii s. iiii d.
	of multour beir,	ii.
	of wedderis,	iiii.
	of kiddis,	iiii.
	of pultrie,	xvi.
The Milne of Inverallem, ...	of siluer dewtie,	iii^{xx}vi lib. xiii s. iiii d.
Girsum ilk ffyve zeires, x lib.	of capones,	xii.
	of geis,	vi.
The thre auchten pairtis of Gorten, . .	of land maile,	iii^{xx} lib.
Girsum ilk ffyve zeires, xx lib.	of teind maile.	
	of wicarage.	
	of multour beir,	iii bollis.
	of wedderis,	iii.
	of kiddis,	iii.
	of pultrie,	xii.

The scheuring of tuentie thraweis corne zeirlie in the Mayneis of Ballachastell.

The thre auchten pairtis of Dregie, occupeit by wmquhill Alester Stewart, . .	of land maile,	iii^{xx} lib.
Girsum ilk ffyve zeiris, xx lib.	of teind maile.	
	of wicarage.	
	of multour beir,	iii bollis.
	of wedderis,	iii.
	of kiddis,	iii.
	of pultrie,	xii.
The foure oxingang of Auchcosaniche, .	of land maile,	xx lib.
Girsum ilk ffyve zeiris, vi lib. xiii s. iiii d.	of teind maile.	
	of wicarage.	
	of multour beir,	i boll.

	of wedderis,	i.
	of kiddis,	i.
	of pultrie,	iiij.
The foure oxingang of the Kirktoun, . .	of land maile,	xiij lib. vj s. viij d.
Girsum ilk ffyve zeires, vi lib. xiij s. 4d.	of teind maile.	
	of wicarage.	
	of multour beir,	half ane boll.
	of wedderis,	half ane vedder.
	of kiddis,	j.
	of pultrie,	iiij.
The foure oxingang of Croft Ferquhair, with the Breber Galdis land, . . .	of land maile,	ten lib.
Girsum ilk ffyve zeiris, vi lib. xiij s. iiij d.	of teind maile.	
	of wicarage, boith.	
	of multour beir,	iij firlottis.
	of kiddis,	i.
	of wedderis,	i.
	of pultrie,	iiij.

This land payis ten merkis for discharge of thair service.

Croft [F]erquhar payis of maill, xiij lib. vi s. viij d.
Breber Galdis land payis ten merkis.

Lagane Reoch, ...	of land maile,	ten merkis.
Girsum ilk ffyve zeires, xiij lib. vj s. viij d.	of teind maile.	
	of wicarage.	
	of multour beir,	ij firlottis.
	of wedderis,	ij.
	of kiddis,	ij.
	of pultrie,	viij.

With ten merkis for discharge of service.

Kylintra, ...	of land maile,	xiij lib. vj s. viij d. / *xxvj lib. xiij s. iiij. d.*
Girsum ilk ffyve zeires, xiij libs. vj s. viij d.	of teind maile,	xx s.
	of wicarage.	
	of multour beir,	ane boll.
	of wedderis,	ij.

	of kiddis,	ij.
	of pultrie,	viij.
	Payis tuentie merk of augmentatioun for discharge of service.	
The Barron Begis croft, ...	of land maile,	iiij lib.
	ane lambe allowit in the meill.	
	of pultre,	xij.

THE BARONIE OF FREWQUHIE AND CROMDELL.

Littill Culquyhe, ...	of land maile,	liij lib. vj s. viij d.
Girsum ilk ffyve zeires, xxvj lib. xiij s. iiij d.	of teind maile,	xxxiij s. iiij d.
	of wicarage,	xxxiij s. iiij d.
	of multour beir,	ij bollis.
	of wedderis,	ij.
	of kiddis,	ij.
	of pultrie,	xvj.
	of salmond, for thrie barrellis, xxx lib.	
	of geis,	*ij.*
Lettauche, ...	of land maile,	xvi lib.
Girsum ilk ffyve zeires, xx lib.	of teind maile,	xx s.
	of wicarage,	xxiiij s.
	of multour beir,	i boll i firlot i pek and thrid part pek.
	of wedderis.	
	of kiddis,	i.
	of pultrie,	xi.
	of geis,	*i.*
Meikle Culquych, ...	of land maile,	now i^{c} merkis.
Girsum ilk ffyve zeires, xxvj lib. xiij s. 4d.	of teind maile,	xlvj s. viij d.
	of wicarage,	xxxvj s.
	of multour beire,	ij bollis ij fr. ij pekis . . . part [pek].
	of wedderis,	i.
	of kiddis,	v.
	of pultrie,	xxj.
	This dawach of Mekill Culquhoiche payis four wedderis.	
	of geis,	*iiij.*

The foure oxingang of Knokankeist, . .	of land maile,	xiij lib. vj s. viij d.
Girsum ilk ffyve zeires, x lib.	of teind maile,	x s.
	of wicarage,	vj s. viij d.
	of multour beir,	ij firlottis.
	of wedderis,	half wedder.
	of kiddis,	j.
	of pultrie,	iiij.
	of geis,	*j.*
Daillefoure, ...	of land maile,	iiij lib., *xx lib. now xl lib.*
Girsum ilk ffyve zeires, xxx lib.	of teind maile,	liij s. iiij d.
	of wicarage,	liij s. iiij d.
	of multour beir,	vj firlottis.
	of wedderis,	j veddir, half veddir.
	of kiddis,	iij.
	of pultrie,	xxiiij.
	of geis,	*vj.*
Ane croft thair,	*of land maill, xxvj s. viij d.*	
	of multir,	*j.*
The wther half dawach of Nether Dellifour.		
	of maill,	*liij lib. vj s. viij d.*
	of wedderis,	*ij.*
	of kidis,	*j.*
	of pultrie,	*xvj.*
Auchnagall, ...	of land maile,	iij^{xx}vi lib. xiij s. iiij d.
Girsum ilk ffyve zeires, xxvj lib. xiij s. iiij d.	of teind maile,	xl s.
	of wicarage,	xxxiij s. iiij d.
	of multour beir,	ij bollis.
	of wedderis,	ij.
	of kiddis,	iiij.
	of pultrie,	xvj.
	of geis,	*iiij.*
Auchnahandatt, ...	of land maile,	iiij^{xx} lib.
Girsum ilk ffyve zeires, xl lib.	of teind maile,	liij s. iiij d.
	of wicarage,	xxxiij s. iiij d.

	of multour beir,	ij bollis.
	of wedderis,	iiij.
	of kiddis,	iiij.
	of pultrie,	xvj.
	of geis,	*iiij.*
Litill Auchnarrowe, ...	of land maile,	liij lib. vj s. viij d.
Girsum ilk ffyve zeires, . . . lib.	of teind maile,	xl s.
	of wicarage,	xxxiij s. iiij d.
Wedset.	of multour beir,	ij bollis.
	of wedderis,	ij.
	of kiddis,	ij.
	of pultrie,	xvj.
	of geis,	*ij.*
Croft Chraichkeir, besyd Meikle Auchnarrowe,	of land maile,	vj lib.
	of kiddis,	j.
	of pultrie,	vj.
	of geis,	*j.*
Meikle Auchnarrowe, ...	of land maile,	x s. *xl lib., now iiij*^{xx} *lib.*
Girsum ilk ffyve zeires, lx lib.	of teind maile,	liij s. iiij d.
	of wicarage,	xxxiij s. iiij d.
	of multour beir,	iij bollis.
	of wedderis,	iij.
	of kiddis,	vij.
	of pultrie,	xxiiij.
	of geis,	*vj.*
Downan, ...	of land maile,	*xx lib. now xl lib.*
Girsum ilk ffyve zeires, xx lib. vj s. viij d.	of teind maile,	xx s.
	of wicarage,	xvj s. viij d.
	of multour beir,	j boll.
	of wedderis,	j.
	of kiddis,	iij, *ij.*
	of pultrie,	viij.
	of geis,	*ij.*

The Westir Port, ...	of land maile,	xxvj lib. xiij s. iiij d.
Girsum ilk ffyve zeires, x lib.	of teind maile,	xiij s. iiij d.
	of wicarage,	viij s. iiij d.
	of multour beir,	j boll.
Wedset.	of wedderis,	j.
	of kiddis,	j.
	of pultrie,	viij.
	of geis,	*j.*
The Mid Port, ...	of land maile,	xiij lib. vj s. viii d.
Girsum ilk ffyve zeires.	of teind maile,	x s.
	of wicarage,	viij s. iiij d.
	of wedderis,	*ane half . . .*
	of multur,	*half . . .*
	of kidis,	*j kid.*
	of pultrie,	*iiij.*
	of geis,	*j.*

With the vphalding of sufficient bettis and doing guid seruice.
The cobill and the cobill land payis xx lib.

The Eister Port.	of landmaile,	xiij lib. vj s. viij d.
Girsum ilk ffyve zeires, x lib.	of teind maile,	x s.
	of wicarage,	viij s. iiij d.
	of multour beir,	ij firlotis.
	of wedderis,	half vedder.
	of kiddis,	j.
	of pultrie.	
	of geis.	
The Milne and Miltoune of Ballachastell *and*		
M^c^Robeis Croft, with the Auigach, . .	of land maile,	vj^xx^vj merkis.
Girsum ilk ffyve zeires.	of teind maile,	xiij s. iiij d.
	of wicarage,	xv s.
	of capones,	xij.
	of geis,	viij.
	of lambes.	j.
	of pultrie,	*xij.*

The landis occupeit be Archibald Smyth, .	of land maile,	vj lib. xiij s. iiij d., *xxxiij lib. vj s. viij d.*
Girsum ilk ffyve zeires, iij lib. vj s. viij d.	of teind maile,	vj s. viij d.
	of wicarage,	v s. iiij d.
	of lambes,	j.
	of pultrie,	iiij.
	of geis,	*j.*
	of multur,	*ij firlotis.*
Payis now threttie thrie pundis sex s. viij d.	*of wedderis,*	*ane half.*
Dalvey, ...	of teind maile,	v lib. vj s. viij d.
	of wicarage,	iij lib. vj s. viij d.
Rinabelliche, ...	of land maile,	liij lib. vj s. viij d.
Girsum ilk ffyve zeires, xxvj lib. xiij s. iiij d.	of teind maile,	xl s.
	of wicarage,	xxij s. iij d.
	of wedderis,	ij.
	of kiddes,	iiij.
	of pultrie,	xvj.
	of multir beir,	iij bollis ij firlotis.
Dallechappill, ...	of land maill,	xv lib.
	of teind maill,	iij lib. vj s. viij d.
	of wicarage,	xliiij s. v d.
	of wedderis.	
The Maines of Lethindie, occupiet sumtyme be the barrone, ...	of landmaile.	ix^{xx}vj lib. xiij s. iiij d., *ij^{c}iij vj lib. xiij s. iiij d.*
Girsum ilk ffyve zeires, . . . ij lib. vj s viij d.	of teindmaile,	iiij lib. x s.
	of wicarage,	l s.
	of wedderis,	iiij.
	of kiddis,	everie tennent j.
	of pultrie,	xxxij.
	of multour,	iiij bollis.
	of mairtis,	*ane.*
Tominkynd, ...	of land maile,	xiij lib. vj s. viij d.
Girsum ilk ffyve zeires, vj lib. xiij s. iiij d.	of teind maile,	x s.

	of wicarage,	v s.
	of pultrie,	*iiij.*
	of multure,	*ij firlottis.*

This comptit with Nether Auchroisk.

Tailzeoure oig Croft, ...	of land maile,	xiij lib. vj s. viij d.
Girsum ilk ffyve zeires, vj lib. xiij s. iiij d.	of teind maile,	x s.
	of wicarage,	v s.
	of pultrie,	*iiij.*
	of wedderis,	*j.*
	of kiddis,	*j.*
Johne dow Cattauauch Croft, . . .	of land maile,	iiij lib.
Girsum ilk ffyve zeires.	of teind maile,	iij s. iiij d.
	of wicarage,	ij s. viij d.
	of *kiddis,*	*j.*
	of *pultrie,*	*iiij.*
Croft Dame and Croft Mallauche, . .	of land maile,	xiij lib. vj s. viij d.
Girsum ilk fyve zeir, vj lib. xiij s. iiij d.	of teind maile,	x s.
	of wicarage,	iiij s.
	of kiddis,	j.
	of pultrie,	iiij.
The Milne and Croft thairof, .	Of multour victuall by the mayn,	xxx bollis.
Girsum ilk ffyve zeires.		
The Kirktoune of Cromdell, . . .	*of land maill,*	*iiij*=iiij lib.*
Quhairof to be rebatit for ane half aiker in the ministeris possession,		iij lib.
Inde restis to be payit,		iiij^{xx}j lib.
Nether Auchrosk, ...	of land maile,	xxxiij lib. vj s. viij d.
		jxxxiij lib. vj s. viij d.
Girsum ilk ffyve zeires, xiij lib. vj s. viij d.	of teind maile,	xxxiij s. iiij d.
	of wicarage,	xvj s. viij d.
	of multour beir.	j boll.

	of wedderis,	j.
	of kiddis,	j.
	of pultrie,	viij.

And Tomnakeand, of maill j^xxxiij lib. vj s. viij d.

Croft Mallauche, ...	of land maile.	
Girsum ilk ffyve zeires.	of teind maile.	
	of wicarage.	

Wryttin of befoir withe Croft Dame.

Mid Auchrosk, ...	of land maile,	xxxiij lib. vj s. viij d.
Girsum ilk ffyve zeires, xiij lib. vj s. viij d.	of teind maile,	xxix s.
	of wicarage,	xvj s. viij d.
	of wedderis,	*j.*
	of kiddis,	*ij.*
	of pultrie,	*viij.*

Garlyne, ...	of land maill,	xxv lib.
Girsum ilk ffyve zeires, x lib.	of teind maill,	xxj s. ix d.
	of wicarage,	xij s. vj d.
	of wedderis,	*iij quarteris.*
	of kiddis,	*j.*
	of pultrie,	*vj.*

Ovir Auchrosk, ...	of land maile,	xlj lib. xiij s. iiij d.
Girsum ilk ffyve zeires, xvj lib. xiij s iiij d.	of teind maile,	xxxvj s. iij d.
	of wicarage,	xx s. x d.
	of wedderis,	*j and ane quarter.*
	of kiddis,	*j.*
	of pultrie,	*x.*

Nether Conges, ...	of land maile,	iiij^xx lib.
Girsum ilk ffyve zeires, xl lib.	of teind maile,	x s.
	of wicarage,	
	of multour beir,	iij bollis.
	of wedderis,	iij.
	of kiddis,	iij.
	of pultrie,	xxiiij.

Auldcharne, ...	of land maile,	xxxiij lib. vj s. viij d.
Girsum ilk ffyve zeires, xiij lib. vj s. viij d.	of teind maile.	
	of wicarage,	xvj s. viij d.
	of multour beir,	j boll.
	of wedderis,	j.
	of kiddis,	j.
	of pultrie,	viij.
Ovir Conges, ...	of land maile,	iiij^{xx} lib.
Girsum ilk ffyve zeires, xl lib.	of teind maile.	
	of wicarage,	l s.
	of multour beir,	iij bollis.
	of wedderis,	iij.
	of kiddis,	iij.
	of pultrie,	xxiiij.
Glenloquhy and milne thairof, with the croft,	of land maile,	*fourtie nyne pundis sex s. viij d.*
Girsum ilk ffyve zeires, xx lib.	of teind maile.	
	of wicarage,	xvj s. viij d.
	of wedderis,	j.
	of kiddis,	ij.
	of pultrie,	viij.
	of multure,	*j boll.*
The milne of Nether Conges, . . .	of mill deutie,	iij bollis half boll.

THE RENTALL OF THE CROFTIS OF BALLACHASTELL.

Makrobbies Croft on the burne syd, . .	of land maile,	xvj s. viij d.
	of kiddis,	j.
	of pultrie,	vj.
	of teind siluer,	xiij s. 4d.

This wreattin with the Miltoun, and adjoyneit thairto.

Makgeorge Croft, ...	of land maile,	xxvj s. viij d., *xl s., ten pundis.*

	of kiddis,	j.
	of pultrie,	vj.
	of teind siluer,	xiij s. 4d.
Ane Croft in Auchnaferne, . . .	of land maile,	iiij lib.
	of teind maile,	vj s. viij d.
	of wicarage,	vj s. viij d.
	of pultrie,	vj.
	of henis,	ij.
	of kiddis,	j.

Annexit to the maynes.

Makgowins Croft, ...	of land maile,	viij lib., *xx lib.*
	of teind maile,	xiij s. iiij d.
	of wicarage,	xiij s. iiij d.
	of kiddis,	ij.
	of pultrie,	xij.
	of henis,	iiij.

The cowper hes this croft for his seruice and the coteris.

The thre Croftis on the eist syd narrest the burne of Downane, ...	of land maile,	xxvij merkis.
	of pultrie,	xviij.
	of hennis,	vj.
	of lambes,	iij.
	of teind mail,	xl s.
The Croft sumtyme occupiet be Patrik Makphaill, ...	of land maill.	
	off wicarage,	iij s. iiij d.
Valk Mylne of Cromdall, ...		x lib.
The Auigaelie, ...	of land maile,	iiij lib.
Girsum ilk fyve zeir, fyeff markis.	of lambes,	j.
	of pultrie,	vj.
	of wicarage,	ij s.

This vnited to Colineis land.

Fra Thomas Narne for the widowis teree, je lib.

The Leyne set to tua tenentis for sex oxgang land as waist, xx lib., with iij firlottis multure.

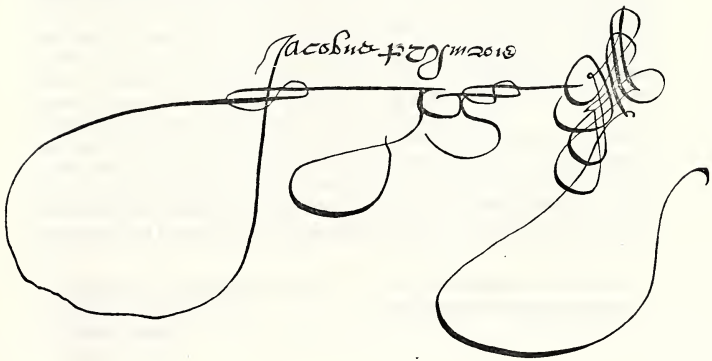
[In addition to the excerpt given above, the rental contains details of rents and duties received from the lands of the baronies of Urquhart, Lethin with the lands of Ballivat and Ardclach annexed, Mulben, Muldaries and adjacent lands, the lands of Ardneidlie, Corsairtlie, Cowperhill, Knockando, Cardells, Glencumrie, Daltulics, Allochie, etc., the lands of Over and Nether Kilmynnities, the lordship of Abernethy, including the two Tullochs, Gartinmore, Riemore, Laggan, and Dalfour in Badenoch, the lordship of Glencarnie, and the lands of Rothiemurchus and Ballindalloch.]

257. Extract Discharge by Archibald Primrose to John Grant of Freuchie for 16,000 merks, being the fines of himself and clan for reset of the Macgregors. Discharge and Extract both dated 25th February 1615.

At Edinburgh, the tuenty fyve day of Februar, the yeir of God j^m^vj^c and fyiftene yeires, in presence of the Lordis of Secrete Counsell, comperit Mr. Thomas Nicolsoun, aduocat, as procuratour for Archibald Prymrois vnder subscryvand, and gaf in the lettir of dischairge vnderwrittin, desyreand the same to be insert and registrat in the bookis of Secrete Counsell, to haif the strenth of ane decreit of the lordis thairof interponit thairto, with executoriallis to pas thairvpoun in forme as effeires, quhilk desyre the saidis lordis finding ressounable, thay haif thairfoir ordanit and ordanes the said letter of dischairge to be actit, insert, and registrat in the saidis bookis, and hes interponit and interponis thair auctoritie thairto, and ordanes letteris and executoriallis to be direct thairvpoun in manner specifeit thairintill, off the quhilk the tennour followis :—I, Archibald Prymrois, writter, Forsamekle as the Lordis of oure souerane lordis most honnorable Preuey Counsell, with aduise and consent of Archibald Erll of Ergyll, Lord Campbell and Lorne, his Maiesteis Lieutennent aganis the Clangregour, and of Sir Gedeoun Murray of Elibank, knycht, his Maiesteis thesaurar depute, for his Maiesteis and the said Erllis intress in the mater vnderwrittin, hes, be Act of Counsell of the daite the tuenty tua day of Julii j^m^vj^c and threttene yeiris, gevin and grantit full power and commissioun to me and Archibald Campbell of Glencarradill, coniunctlie, be our selffis and our deputis in our names, for whome we salbe haldin to answer, to ask, crave, chairge for, ressaue, intromett with and vptak all sic sowmes of money as ony personis ar alredy fynit into, or heirefter salhappin to be fynit into, for thair ressett, supplie, and intercommoning with the said Clangregour, acquietances and dischairgeis vpoun oure ressaitt thairof to gif, subscryve, and delyuer, to the quhilkis acquietanceis the saidis lordis hes ordanit the seale of the said Erll of Argyle to be affixit, and being so maid, subscryuit, and scalit, the saidis lordis hes decernit and declarit the same to be valide, effectuall, and sufficient to the foirsaidis ressettaris, supplearis, and intercommounaris, not onlie for ane frie dischairge to thame of the sowmes quhairin they ar alredy or heireftir salhappin to be fynit ; bot lykwis the same acquietances to haif the full strenth, force, and effect of ane frie pardoun to the saidis

ressetaris, supplearis, and intercomounaris for ony fact committit be thame in thair said ressett, supplie, and intercommoning with the said Clangregour, as in the same Act of Counsell at mair lenth is contenit; and I lykwise haueand power and commissioun of the said Archibald Campbell to do all thingis for him concerning the ressettis of the saidis fynes and geving of the saidis acquietanceis that he micht do yf he wer personalie present, as in the commissioun gevin to me be the said Archibald, actit and registrat in the bookis of our souerane lordis exchecker, vpoun the xvii day of Februar instant, lykwis at mair lenth is contenit; and whareas be decreite arbitrall, of the dait the thrid day of Februar instant, gevin and pronunceit betuix the said Archibald Erll of Argyle on the ane pairt, and Johnne Grant of Frewchie on the vther pairt, the said Johnne is decernit and ordanit to content and pay vnto me the sowme of sextene thousand merkis money in compositioun and for full satisfactioun of the haill sowmes of money quhairin he, his freindis and tennentis vnderwrittin, ar fynit into for thair ressett, supplie, and intercommoning with the said Clangregour; thay ar to say, Johnne M^cEan V^cPatrik, bruthir to the goodman of Tullochorm, Swine Grant in Cur, Andro Schaw in Glencharneich, Patrik Og Grant M^cThomas in Rimoir, John M^cDonachie in Garthinebeg, Alexander Murray in Ardclaich, Alexander Murray his sone, William Gow in Rothiemune, William M^cKinla Condochie in Drum, Duncane Grant in Letauche, Archibald Grant, bruthir to the Laird of Glenmorcistoun, Neill Grant in Duthell, John M^cAllester in Daill, Gregour M^cGillespick Grant alias M^cGregour in Tullochryben, Patrik Grant in Tullochorme, Patrik M^cJakkie Grant in Tulloch, Johnne Grant in the toun of Abernathie, James M^cQuene in Innerlydnene, William Dunbar in Cromdaill, Duncane M^cJames Og Grant, Ferquhair M^cAllester in Inrei, Allestir M^cKerquhair thair, Allestir M^cWilliam M^cInroy, Uesker [Wester] Tulloche, Allestir M^cKinla Condochie, Johnne M^cAllestir M^cIndowy, Donald beg M^cConald moir, Thomas M^cEan V^cInnes, Donald Og M^cConald Chalmer, Donald M^cGibboun in Awielochen, John M^cGibboun thair, Thomas M^cWilliam, Rothiemune, Allestir M^cWilliam Moir in Corthulli, Duncane M^cAllester Reoch in Awielochen, Duncane M^cWilliam Veig in Granishe, John Dow M^cAgie, browstir in Duchell, Robert Reid thair, John M^cConnald V^cCowle in Dalrachnie, James M^cEan M^cJackie in Dalcharne, Patrik M^cAndro M^cAllane in Cromdaill, John M^cThomas Veikandiche, Johnne M^cSwine Grant, Allestir M^cThomas Roy, Allestir M^cAngus Veig, Johnne M^cWilliam M^cInroy in Eistir Tulloche, Allestir M^cConnald Cheir, broustir, John Grant, sone to Tullochorme, Patrik Roy M^cEan V^cConald in Tullocheruben, William M^cThomas M^cWilliam in Rothiemune, Robert Grant, bruther to the Laird of Grant, Donald Gow in Abirnathie, Johnne Grant M^cWilliam M^cAllane in Auchnarro, Duncane M^cWilliame M^cAllane his bruthir, Duncane Narne, Johnne M^cGillimartene in Grinich, Robert M^cAndro Grant in Lurge, John M^cQuene in Balnaporte, James Grant in Petchirrell, Patrik Grant, sone to the Laird of Breyis, John Keir M^cConnald M^cCondochie M^cGillespick in Vrquhart, Huchen M^cEan Condochie thair, Duncane M^cEane Mulliche thair, Finla M^cInnes Veig miller in Abirnathie, John Roy M^cIntargart, William M^cAllestir M^cEan Og, Allestir

Roy Grant in Soiglie, Duncane M^cPatrik M^cInroy, Allane Roy Grant, Johnne M^cInmuliche, officir in Vrquhart, Donald Oig M^cInmullich in Polmaleith, Auchine Roy in Loyne, James Grant in Foddellettir, John Grant, sone to Patrik M^cJockie, James M^cWilliam in Dillivorer, Allestir Og M^cAllestir V^cJames in Auchnahatniche, Allestir Dow M^cAllestir Reoche in Grauishe, Duncane M^cAne Glas in Vrquhart, and Patrik M^cIn Cay in Duchell,—quhilk sowme of sextene thousand merkis I grant me to haif presentlie ressauit fra the said Johnne Grant of Frewchy, haldis me weill content and payit thairof, and exoneris, quytclames, and dischairgeis him and the remanent personis abone writtin, thair airis and executoris, of the same for now and evir, and for thair bettir securitie, yf neid beis, I am content and consentis that this my acquietance be actit and registrat in the bookis of Secrete Counsell, or bookis of our souerane lordis Counsell and Sessioun, thairin to remane ad futuram rei memoriam, and to that effect makis and constitutis Mr. Thomas Nicolsone, aduocat, coniunctlie and seuerlie, my procuratoris, in vberiori forma; promitten. de rato. In witnes quhairof, to this my acquietance subscryuit with my hand (and writtin be Mr. John Sydserffe, scruitour to Anthone Quhyte, writer), the seale of the said Erll of Ergyle is affixt, at Edinburgh, the tuenty fyift day of Februar, the yeir of God j^mvi^c and fyiftene yeiris, befoir thir witnessis, Gregour Grant in Gartmoir, Mr. James Prymrois, William Hutoun, William Jamesone, and Alexander Ogilvie, scruitouris to me, the said Archibald Prymrois. Prymrois; Gregour Grant, witnes; M. Primrois, witnes; W^m Hutoun, witnes; A. Ogilvie, witnes. Extractum de libris actorum Secreti Consilii supremi domini nostri regis per me Jacobum Prymrois clericum eiusdem sub meis signo et subscriptione manualibus.



258. Bond by Sir Lachlan Mackintosh of Torcastle to Agnes Mackenzie, Lady of Dunachton, Elder, for 240 merks. 18th April 1618.

I, Sir Lauchlane Mackintoshie of Torcastel, knicht, grantis me to hane borrowit and receauit fra Agnes M^cKenzie, ladie elder of Dunnachtane, the sowme of tuelfscoir pundis mone vsuall of this realme, quhairof hauldis me weill contentit, satysfiet, and payit in numberit mone, renunceand all exceptioun in the contrair, and be thir presentis disharges the said Agnes M^cKenzie, hir aires and executouris thairof, for euer; quhilk sowme of tuelf scoir pundis mone forsaid, I, the said Lauchlane M^cIntoshe, as principal, and with me the richt honorabill Johne Grant of Frewchie, cautioner, souerty, and full detour for me, coniunctlie and seuerallie, bindis and obleissis us, our aires, executouris, and intromettouris with our landis, rentis, goodis, and geir quhatsumeuir, to thankfullie pay and delyuer to the said Agnes M^cKenzie, hir aires, executouris, assigneyis, or vtheris in hir name, within the brughe of Inuernes, betuix the dayt present and the feast off Witsonday nixtocum, in the yeir of God j^m vi^c auchttene yeiris instant, togidder with the sowme of thriescoir pundis mone by and attour the said principall sowme, for costes, skathes, and expenssis of registratioun heirof, and sutting executioun heirvpoun, incaice we, coniunctlie and seuerallie, faillies in peyment macking of the said principall sowme to the said Agnes M^cKenzie or hir forsaidis, at the day and dayt abonewrittin; and forder, I, the said Sir Lauchlane, be thir presentis obleissis me and my forsaidis to warrand, releiue, harmles and skatheles keip the said Johne Grant, my cautioner abone namet, and his forsaidis, of the haill premissis and off all inconvenient that may result heirvpoun at the said Agnes M^cKenzie and hir forsaidis handis, and all vtheris mortall for euer; and for the mair securitty we, principall and cautioneris, coniunctlie and seuerlie, consentis thir presentis be registrat in the bookes of Counsell, Sheriff or Commissar bookes of Inuernes, that lettres and executoriallis of poynding and horning may be derect heirvpoun on ten dayes charge allanerly, and to that effect constitutis our procuratouris to compeir and consent to the registering heirof: Promitten. de rato. In witness quhairof (writtin be Alexander Logane, notar), we, principall and cautionar, hes subscriuit thir presentis with our handis, att Inuernes, the auchttene day of Appryle j^m vi^c and auchttene yeiris, befoir thir witnessis, Johne Grant of Glenmorestoun, William M^cIntoshe of Borlum, Duncan Grant of Claualge, Robert Ferquharsoun of Finzeane, and Alexander Logane, writer heirof.

Jhone Grant of Glenmoristoune, witnes.
Robert Farcharsone, witness.
D. Grant, witnes.
A. Logene, witnes.

S. L. M^cKintoschie off Torcastell,
Jhone Grant of Freuquhy, cationer.

259. Lease granted by John Grant of Freuchie to Alexander M^cWilliam Moir in Corthullie, of the half town and lands of Corthullie. 29th February 1620.

Be it kend till all men be thir present letteris, me, Johne Grant of Freuquhye, for ane certane sowme of monie deliuerit reallie and with effect to me be Alexander M^cWilliam Moir in Corthullie in name of gressum, for this present assedatioun and letter of tak of the landis wnderwreattin, quhairof I hald me weill contentit, satisfeit, and compleitlie payit (renunceand the exceptioun of non-nowmerat monie, aith of partie, and all wtheris exceptiounis that may be obiectit thairanent), exoneris, quytclameis, and dischargeis the said Alexander, his airis, executouris, and assignais, for me, my airis, executouris, assignais, and all wtheris quhom effeiris of the samen for now and euer: Thairfoir me, the said Johne, with expres consent, consaill, and aduise of Schir Johne Grant of Mulben, knycht, my sone and apperand air, to hawe sett, and in tak and assedatioun, for the yeirlie payment and wpone the speciall provisiounis, conditiounis, and restrictiounis wnderwreattin, lattin, lykas I be the tenour heirof, with expres consent, aduise, and consaill forsaid sett, and in tak and assedatioun for the yeirlie payment efter expremit, and wpone the speciall provisiounis, restrictiounis, and conditiounis following, latt to the said Alexander M^cWilliam Moir, and to his airis and executouris of na hear degrie nor himself is of, all and haill that hallf toun and landis of Corthullie, extending to thrie oxgang land of the davach of Letoche, with the multuris thairof, houssis, biggingis, yardis, toftis, croftis, partis, pendicles, outseattis, scheallingis, grassingis, pasturageis, moisis, muiris, commoditeis, and wniuersall pertinentis thairof, wsit and wount, lyand within the lordschipe of Abernathie, parochin thairof, and schirefdome of Elgin and Forres, presentlie possest be himself, togidder with the haill teyndis, bayth personage and wicarage, of the forsaid half toun and landis of Corthullie, with the pertinentis, extending and lyand as said is, for all the dayes, yereis, space, and termeis of nyntene yereis nixt and immediatlie following his entres thairto, quhilk salbe, God villing, and begin at the feast and terme of Whitsonday nixtocum, in this instant yere of God j^m sex hundreth and tuentie yereis, and fra thyne furth to continew and induir during the foresaid space of nyntene yereis, and ay and quhill the samen be fullie and compleitlie togidder outrun, but interuall or brek of yereis, takis, or termes. And all and haill the forsaid half toun and landis of Corthullie, with the multureis, teyndis, and wniuersall pertinentis thairof, lyand and extending as said is, to be haldin and to be had to the said Alexander and his forsaidis of me, my airis and successouris, in tak and assedatioun, and to be peciabillie laborit, bruikit, joisit, and possedit be the said Alexander and his forsaidis during the said space, be all the rychteous meithis and marcheis thairof, as they lye in lenth and breid, in houssis, bigingis, yardis, wodis, waistis, planeis, moisis, muiris, medowis, gressingis, lasouris, pasturageis, etc., with libertie and pouer to the said Alexander and his

foresaidis during the said space new landis within onie pairt of the saidis landis and proper boundis thairof as they sall find maist commodious, to teill, ryif in, and win, fauldis, houssis, bigingis, and yardis thairwpone to big and wphald, and to that effect to cut and tak of my wodis, tymber, and widdieis to thair awin necessar wseis for plewis, kartis, sledis, currellis, harrowis, barrowis, and siclyk for all necessaris, but onie wrang or wnlaw to be socht thairfor, wpone thair aithis to be takin that thay nor nane wtheris in thair nameis be thair causing, command, knowledge, or allowance, sall gif or sell anie thairof to anie uther persone or personeis wnder the paneis contenit in the Actis of Parliament maid anent cutting of grene wodis; and to cut and tak wther tymber for thair bigingis, according to ane warrand to be direct thairanent be me or my forsaidis, or our bailleis, to our forestaris, efter sichting of thair bigingis be our baillie or principall officer, with commountie and pasturage, frie ischue and entrie thairto, and with all and sindrie wtheris libertieis, commoditieis, profeitis, easementis, and rychteous pertinentis pertening, or that justlie mey be knowin to appertene to the said half toun and landis of Corthullie, multureis and teyndis thairof, far and neir, als ffrielie weill and in peace as onie takisman of the lyik qualitie aucht or suld bruik, but onie impediment, reuocatioun, contradictioun, or aganecalling to be maid in the contrair be quhomsoeuer during the said space: Payand thairfoir yeirlie, the said Alexander and his forsaidis, to me and my forsaidis, or our chalmerlaneis in our name, as is wnderwreattin, at the termeis of payment respectiue as is wndermentionat; to witt, for the saidis half toun and landis of Corthullie, with the multureis thairof, the sowme of tuentie-fyiwe merkis guid and wsuall Scottis monie in name of land maill at ane terme in the yere, viz., Mertimes in winter, but diuisioun yeirlie, sex pekis guid and sufficient multure victuall, thrie firlottis guid and sufficient custome malt yeirlie, betuix the feastis of Candilmes and Pasche, thrie quarteris of ane wedder, ane kid, thrie pultries, ane guis, half ane stane butter at the termeis of payment wsit and wount, with the schering and leading of sewin thraweis and ane stouk of corne in the Mayneis of Abernathie, the teilling of sex pekis aittis, sawing thair, the harrowing of sex pekis aittis, sawing in the tath fauldis of the said Mayneis, with fewall to drye fyive bollis aittis thair, with thair awin service in all oistingis, wapinschawingis, huntingis and convoyis to tryistis or wther publict meittingis, sufficientlie cled and furnesit with apparrell and wapinis as becumis, wpone thair awin chargeis, as they salbe requerit, with areage, careage, and dew service as onie wtheris thrie oxgang land within the parochin sall pay quhen the samen sall occur. And the said Alexander and his forsaidis payand yeirlie during the said space, to me and my forsaidis, for the saidis teynd schaweis, the sowme of sextene schillingis aucht pennieis monie forsaid, and for the teynd vicarage thairof, the sowme of thrattie thrie schillingis four pennieis monie forsaid, at the termeis of payment accustumit or releueand me and my forsaidis of the samen yeirlie at the handis of the persone or minister of Abernathie and wtheris haweand rycht thairto, yeirlie during the said space, and of all taxatiounis and impositiounis that sall happin heirefter to be laid and imposit wpone the

saidis landis and teyndis pro rata during the said space, be king or kirk; and siclyk the said Alexander and his forsaidis sall answer and compeir in all courtis of the lordschipe of Abernathie as they salbe warnit thairto, and sall for thair awin partis, according to wse and wount, and as they salbe requerit, big, wphald, and inhald the dam of the myll of Abernathie, and carie tymber and staneis thairto, as bund and thrall suckin to the samen. Forder, the said Alexander and his forsaidis sall in all tyme cuming during the said space, liue and behawe thameselfis as guid and faythfull subiectis, obedient and answerabill to his Majesteis lawis in quiet and sober maner, but doing wrang or iniurie to anie persone or personeis. And gif it sall happin the said Alexander and his forsaidis, at onie tyme heirefter during the said space, to be attacheit, accuseit, or convict of thift, airt, pairt, or reset of thift, or yit for schuitting at deir or rae, or for slaying thame with gunnis and wther forbiddin wapinis, or yit for slauchter of kipper and black fische in forbiddin tyme, or yit for destroying of my wodis be raising of muirburne, in thir caceis or ather of thame, to wit, ather of thift, airt, pairt, or reset of thift, or yit for schuitting at deir or rae, or for slaying of thame, slaying of kipper, or destroying of onie of my wodis be raising of muirburne, this present tak and assedatioun to be thairefter null and of nane availl, force, nor effect, bot alluterlie cassit, sopit, and annullit as the samen had neuir bene, and the nullitie to be proponit be way of exceptioun; and forder, it sal nocht be leisum to the said Alexander nor his forsaidis, at onie tyme heirefter during the said space, to dispone, sell, annalie, or put away this present tak and richt of the saidis landis and teyndis, in haill or pairt, to onie persone or personeis, but the speciall consent and aduise of me and my forsaidis had thairto, quhilk if they do, this present tak and assedatioun in that cace to be thairefter null and altogidder invalide, and of nane availl nor effect, except onlie it salbe lesum to thame nochtwithstanding heirof, to dispone the samen to thair barneis, oyeis brether, brether barneis, sister soneis, brether in law, father brether, or mother brether, being contrayth men and natiue borne men thairin, of na hear degrie nor thameselfis, to the quhilk dispositioun to be maid in that maner, I and my forsaidis sall consent, and the samen dispositioun sua maid sall infer no nullitie nochtwithstanding of the clame forsaid. Mairower, in cace it sall happin the said Alexander and his forsaidis to faillie in tymous and thankfull payment to me and my forsaidis of the forsaid sowme of tuentie fywe merkis monie of land maill yeirlie, and ilk yere at the said terme of Mertimes, and that the samen rin wnpayit till the nixt feast of Whitsonday, and sall nocht be compleitlie payit aucht dayis befoir the said feast of Whitsonday, in that cace this present tak, with all that may follow thairwpone, salbe thairefter null and of nane availl, force, nor effect, bot alluterlie invalide, and the saidis landis and teyndis, and thair pertinentis, sall returne again and appertene to me and my forsaidis, and be at our dispositioun als frielie as gif thir presentis had neuir bene, and the said nullitie to be proponit and decernit be way of exceptioun as said is but preiudice of payment of all bygane deutieis that then sall happin to be restand wnpayit.

And I forsuith, with consent forsaid, faythfullie bind and obleis me and my airis, als weill maill of taillie and provisioun as of lyne and successouris, to warrand, acquiett, mantein, and defend this my assedatioun and letter of tak of the landis abonespecifeit, with thair pertinentis, to the said Alexander and his forsaidis, in all and be all thingis as is abonewrittin, during the said space of nyntene yeris, for payment of the deutieis forsaidis yeirlie, as is abonespecifeit, wpone the speciall conditiounis, provisiounis, and restrictiounis respectiue abone expremit, contrair all mortall, as law will, and sall warrand the saidis teyndis, personage and vicarage, fra my awin fact and deid allanerlie, and that I nor my airis nather hawe done, nor sall do onie thing in preiudice herof. Lykas, the said Alexander, for him and his forsaidis, hes acceptit, and be thir presentis acceptis the forsaidis landis and teyndis, with thair pertinentis, in tak and assedatioun, during the said space, of me and my forsaidis, for payment, and wpone the seuerall conditiounis, provisiounis, and restrictiounis respectiue forsaidis. In witnes quhairof, I and the said Schir Johne, in taikin of his consent heirto, hawe subscriueit thir presentis, wreattin be Johne Donaldsone, notar, my scruitour, with our handis, at Frewquhye, and the last and dayis of Februar the yere of God j^m^ sex hundreth and tuentie yeris, befoir thir witnesis, Robert Grant in Lurg, Patrik Gibsone of Scherrefmyll, Johne Grant in Garthinbeg, James Grant in Ochterblair, Allane Grant in Letoche, and the said Johne Donaldsone, wreatter heirof.

Gressum, i^c^ merkis.

(Sic subscribitur), JHONE GRANT of Frewquhye.

260. WARRANT by GEORGE MARQUIS OF HUNTLY to SIR LACHLAN MACKINTOSH of Torcastle, Knight, to wadset certain lands. 13th June 1620.

WE, George Marquise of Huntle, Lord Gordoun and Badzenot, etc., and George Lord Gordoun, be the tenour heirof consentes and condiscendis that Sir Lachlane M^c^Kintoische of Torrecastell, knicht, sall wadsett for his weill and commoditie, and defrayeng of certain of his lesum effeares, the tounes and landis of Essiche, Drumdellchik, Coignaskaliche, Kinerage, Lytill Dunnachtane, the third part of Pittevre and Meikill Dunnachtane, aye and quhill the terme of Witsonday in the yeir of God j^m^vi^c^ and tuente thre yeiris, and that but ony actioun of recognitioun to be intentit be ws, our airis, executouris, and assigneyes quhatsumewer: Provyding alwayes that gif it sall happin the said Sir Lachlane nocht to redeim the saidis landis abowe wrettin at the said terme, that thain and in that caice this present consent and wreit to be null of it selff, and we to haiff full liberte and actioun to the persuit of the actioun of recognitioun as gif the present consent had never bein maid, and this present wreitt to effectuat no longer bot to the said terme of Witsonday, and to expyre in it selff; and for the mair securite we are content and consentes that thir presentes be insert and

registrat in the buikis of Cunsell or Sessioun ad futuram rei memoriam, and to that effect constitutis conjunctle and seuerallie, our lawfull procuratouris, promitten. de rato, etc., be thir presentes, wretten be James Andersone, servitore to the Lord Gordoune, and subscrinit with our handis at Huntle the threttein day of Jun, the yeir of God j^m^vi^c^ and tuente yeiris, befoir witnessis, Patrik Stevart, servitore [to] the said Lord Gordoun, Alexander Bailze of Dunzean, George Sutherland, servitore to the said Sir Lachlane, and the said James Andersone, wretter forsaid.

Alexander Bailzie of Dunzeane, witnes.
George Sutherland, witnes.
P. Stewart, witnes.
J. Andersone, vreter and witnese.

HUNTLYE.
G. GORDOUNE.
S. L. M^c^KINTOSCHE off Torcastell, consentes.

I, be thir presents, prorogat the contents of this wreitt effectuallye in all points as they are theyrin specifyed, for the space of thrie yeares after Whitsonday j^m^vi^c^ twentye thrie, provyding alwayes that I be not therbye prejudged in brooking the warde of the lands abone specifyed. G. GORDOUNE.

I, be this presents, prorogate the contents of the endorsed writt for thrie yeares after 1626, in so farr as it may not be prejudiciall to my brooking of the ward lands abone specifyed. G. GORDOUNE.

261. ACCOUNTS by GREGOR GRANT of his Expenditure on behalf of SIR JOHN GRANT of Mulben, younger of Freuchie, in two journeys to Edinburgh in 1620.

Vpoun Tysday the first day of Februar 1620, the laird younger tuik journay Southe, being in cumpanie sex gentalmen with thair horssis and ane led hors and nyne boyis, all the way to St. Johnestoun.

Item, the samin nycht, the laird being in Foynes in young Belindallachis hous, gevin to the nurische of wages, ... xx s.
Item, the secund day to the boyis to drink be the way, at the lairdis command, . iij s.
Item, at Blakwater, to ane man wha fand Thomas Johnestounes clok, quhilk yed [went] with the water and careage of the samin to the boit of Arclache, . xij s.
Item, for ferreing of the boyis thair, ... iiij s.
Item, in Torresowll for the supper to the haill cumpanie, boyis and horssis, . vi li. vj s.
Item, the thrid day for the disioone at the kirk of Tullanessall, . . iij li. vj s. viij d.
Item, payit of faucht at the boit of Done, the water and wynd being exceeding grite, ... xx s.

Item, in Afoorde for the supper and braikfast vpoun the nixt day and horssis meit, ... vj li. xvj s. viij d.
Item, of wages to nyne boyis thair that nycht and vpoun the morne to denner, . xxxvj s.
Item, to ane boy wha come fra Knokandoch with the laird to Afoord, and serveit all the way (the boyis being befoir), at the lairdis command, . . iiij s.
Item, in Kincardin for drink and sum meit eftirnoone, we being ferrie stayed, . viij s.
For ane peet half pect corne to the horssis, ... viij s.
Item, of fraucht at the boit of Dic, ... xvj s.
Item, for the supper the samin nycht in Mureaillhous, and horssis meit, . iij li. xvj s. viij d.
Item, of wages to nyne boyis for ane meale, ... xviij s.
Item, vpoun the morne for the fasting drink thair and sum breid, . . vj s.
Item, to the servand las of drink siluer thair, ... iiij s.
Item, the fourt day of the said monethe payit in Fetercarne for the denner, . xl s.
Item, for corne and breade to the horssis, ... xij s.
Item, to the boyis of wages thair, ... xviij s.
Item, the samin nycht in Forfar for strey and stablefie to sevin horssis, . . xiiij s.
Item, for four pectis ane lippie of corne at evin and morning, . . xxviij s. iiij d.
Item, for breade to the lairdis horssis, ... v s. iiij d.
Item, the samin nycht payit for the supper and braikfast in the morne, being bot sex persones, ... v li. x s.
Item, the fift day, of wages to nyne boyis for the haill day, . . . xxxvj s.

Wpoun Sonday the sext day at nycht the laird come to St. Johnestoun, wheare he remanit twa nychtis.

Item, the samin nycht to the tounes pyper who come in eftir supper to the ludgeing to play, ... xij s.
Item, payit to the stabiller for stray and stablefie to sevin horssis for twa nychtis, xxviij s.
Item, for twa firlottis twa pectis corne during the samin space, . . iij li. vj s. viij d.
Item, for breade to the lairdis twa horssis during the foirsaid space, . vij s. vj d.
Item, of wages to nyne boyis the sevint day for the twa males, . . . xxxvj s.
Item, to aucht boyis the nixt day, litle Gregour Mein haifing gone to his maister —to aucht boyis, ... xxxij s.
Item, reackoned with the goodwyff for ordiner and extraordineris, and payit to hir during the said space, ... vij li.
Item, to the laisses of drinksiluer, ... viij s.
Item, to ane idlot poct at the lairdis command, ... vj s.
Item, to the poor folkis at yet [gate], ... xvj d.
Item, to ane puire man at the Brig of Ern, ... viij d.

Item, payit at Falkland vpoun Tysday the 8 of Februar for the lairdis eftirnoone, haifing thairto ane point of wyne, ... xxx s.
Item, the samin nycht come to Brunt Iland, and payit thair for stray and stablefie to sevin horssis, ... xiiij s.
Item, for fyve pectis ane lippie of corne, at 8s. the peet, ... xlij s.
Item, the samin nycht for twa quartis aill to Johne Harroweris wyffe, . . viij s.
Item, to James Broune's wyff for the supper, beddis, and denner vpoun the morne, ... iij li. vj s. viij d.
Item, the nynt day to sex boyis wha wer directit hame with the horssis—to everie boy for himself and his hors, liij s. iiij d.—Inde, ... xvj li.
Mair to the lairdis boy at the lairdis awin command, ... xij s.
Item, payit at the ferrie of fraucht, ... xlviij s.
Item, in Leithe the samin nycht for ane point of wyne and breade, . . xij s.

Vpoun Wednisday the 9 day at nycht come to the Cannogait to Effie Wilsone's hous.

Item, the samin nycht for fyre, chalmermaill, and candle, with ane point aill, xxvj s. viij d.
Item, for the supper to the cumpanie, the laird being seik, . . . xxvij s.
Item, for the lairdis broun hors that nycht in stray and meit, . . . vj s.

Vpoun Thurisday the 10 day come to the toun, and enterrit in Johne Home's foirchalmer.

Item, the samin day, for ane throghe of gilt paper to the laird to wreit ane missiue, xij d.
Item, the samin nycht for candle, ... vj s.
Item, vpoun Fryday the elevint day for ane leade of coles to the chalmer, . x s.
Item, of drinksiluer to the tailyeouris boyis wha maid the lairdis claithis at the lairdis awin command, ... xviij s.
Vpoun Sonday the 13 day, gevin at the College kirk to the tas, . . . iiij s.
Item, the samin day, to Dauid Ros to pay for waishing the lairdis claithes, . vj s.
Item, on Mounday, the 14 day, gevin to Patrik Grant to by necessaris the lady desyrat to by, ... vj li. xiij s. iiij d.
Item, on Tysday, the 15 day, gevin of wages to Johnne Murrayis nurische, . xxiiij s.
Item, for ane gray hat to the laird, ... iiij li. xiij s. 4d.
Item, the samin nycht for candle, ... vj s.
Item, for ane leade of coles, ... x s.
Item, send to whissilleris and drummeris who come to the doore, the laird being at supper, ... xij s.
Item, vpoun Wednisday, the 16 day, thair wes ane consultatioun with the aduocattis befoir the calling of the reductioun.
Item, the samin day, to Mr. Thomas Hope twa peces at . . xxvj li. xiij s. iiij d.

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To Mr. Thomas Nicolson twa roisnobles at . . . . xxj li. vj s. 8d.
To Mr. James Oliphant twa roisnobles at . . . . xxj li. vj s. 8d.
To Johnne Belscheis ane duble angell at . . . . . xiij li. vj s. viij d.
Item, to Mr. Thomas Hopes man, ... iij li. vj s. viij d.
To Mr. James Oliphantis man, Mr. Alexander Cheyne, wha hade the haill proces in keping, ... v li.
To Mr. Thomas Nicolsones man, ... iij li. vj s. viij d.
Item, the samin nycht at supper, the goodwyff being skant of meit, gevin for ane veale roist out of Johnne Roxbruches, ... viij s.
Item, vpoun Thurisday, the 17th day, gevin to Willie Mullen, Rothemurchus man (at the lairdis command) to tak him hame, ... xxx s.
Item, gevin to the maiseris for the lairdis acces to the tolbuithe at all tymes neidfull, ane pece at . . . . . xiij li. vj s. viij d.
Item, vpoun Fryday, the 18 day, to Mr. Alexander Gibson, clerk, . . xl li.
Item, vpoun Saterday, the 19 day, to Mr. Johnne Skeyne, clerk of billis, for passing the suspensioun aganis Mr. William Clogie, ane roisnoble at . . x li. xiij s. iiij d.
Item, the samin nycht for ane leade of coles, ... x s.
Item, for candle, ... vj s.
Item, gevin to the laird to play with the maister of Deskfoorde, . . . xxxvj s.
Item, for ane scabert to the lairdis swoorde, ... xviij s. viij d.
Item, ane lang crampet to the vther swoorde, ...
Item, vpoun Sonday, the 20 day, to the tas at the kirk doore, . . . iiij s.
Vpoun Tysday, the 22, to ane whisseller come to the doore, . . . iiij s.
Item, the samin day, to the clerk of billis for passing the suspensioun aganis Mr. Patrik, ane roisnoble, at . . . . . x li. 13s. 4d.
Item, for the act of cautioun, ... xxvj s. viiij d.
Item, for William Grantis act of cautioun, ... xxxvj s. viij d.
Item, of drinksilver for baithe the actis, ... xxx s.
Item, Wednisday, the 23, for ane leade of coles, ... x s.
Item, vpoun Thurisday, for the lairdis denner, with his haill cumpanie, in Johnne Carmichellis hous, ... xlij s.
Item, to ane puire dumb man at the Abey kirk, ... viij d.
Item, to Thomas Coutes man for writting of thrie copeis, . . . xij s.
Item, vpoun Fryday, the 25 day, being the day our caus wes callit be the aduocat, the chancellare refuising to do the samin ane vther day, gevin to the aduocat for calling of caus fyve peces at . . . . iij^{xx}vj li. xiij s. 4d.
Item, to Mr. Thomas Hope the samin day, the caus being to be reasoned, twa Harie nobles at . . . . . xviij li. xiij s. 4d.

To Mr. Thomas Nicolson, ane duble angell at . . . . . xiij li. vj s. viij d.
To Mr. James Oliphant, ane vther at . . . . . xiij li. vj s. viij d.
Item, to the belman for halding bak the twelft hour till the caus wer reasoned at lenthe, ... xxiiij s.
Item, to the maiseris the samin day, our act of litiscontestatioun being pronunceit, ane angell at . . . . . vj li. xiij s. 4d.
Item, the samin nycht for ane leade of coles, ... x s.
Item, for candle, ... vj s.
Item, for skenyie threid to fastin sum waires wes cuming hame, . . . vj d.
Item, gevin the samin day to Finlay Caddell, who wes directit hame, . . xxx s.
Item, the last of Februar, our act of litiscontestatioun being buikit and extractit, at quhilk tyme aduocatis fanour keithit wes rememberit, gevin the samin day in consideratioun of the samin, conforme to ane pactioun preceding, iij^{c}xxxiij li. vj s. 8d.
Item, to Mr. Alexander Gibsoun for the act of litiscontestatioun, extracting and buiking thairof, ... xl li.
Item, to his men of drinksiluer, ... iij li. vj s. viij d.
Item, that samin nycht of drinksiluer to Frances Durhames nurishe, the laird being thair at supper, ... xij s.
Item, for tobaco coift be Dauid Rois the samin nycht, ... iij s.
Item, for making the dischairge and bandis betuix ws and Johnne Murray, . xxx s.
Item, gevin to litle Gregour vpoun promeis allegeit maid to him to help to tak him to court, ... j^{e} li.
Item, the samin day to the sangster Gowdie, at the lairdis command, . . xij s.
Item, gevin be the laird to young Mr. Alexander Gibson at his leifetaking, twa roisnobles at . . . . . xxj li. xiij s. 4d.
Item, gevin to Robert Boner in full satisfactioun of ane band of ij^{c} merkis, j^{c}x merkis.
Item, for ane point of sweit wyne to the supper, thair being cumpanie with the laird, ... x s.
Item, to Mulleachan the clairscher, at the lairdis command, and deliuerit be him self, xxx s.
Item, to Johnne Hunter the tailyeour for ane compt the young laird wes restand to him, ... xxxiij li. vj s. viij d.
Item, vpoun Fryday, the 3 of Marche, gevin to Patrik Grant to by necessaris to the ladey, ... vj li. xiij s. iiij d.
Item, the samin day gevin to the young laird to tak him hame with his cumpanie fyve peces at . . . . . iij^{xx}vj li. xiij s. 4d.
Item, on Saterday, the fourt of Merche, comptit with the guidwyff, and payit to hir for hir furnissing and chalmermaill all the tyme of the lairdis being thair, as hir awin compt beires, ... vij^{xx}xix li. 19s.

Item, the 15 day of Merche, quhilk wes day appointit to the witnessis to be ressauit and admittit; the Lord Gordoun thinking to haif gottin our act rescindit, the witnessis not to be admittit, and he to be hard, as at the first instance.

Gevin to Mr. Thomas Hope that day, the caus being cum to reasoning, twa Harie nobles at . . . . . xviij li. xiij s. iiij d.

To Mr. Thomas Nicolson ane pece, ... xiij li. vj s. 8d.

To Mr. James Oliphant ane vther at . . . . . xiij li. vj s. 8d.

Item, the samin day eftirnoone, eftir examinatioun of the witnessis, for thair doles, ... iij li. vj s. viij d.

Item, the samin day to the four Aukderne witnessis to tak thame hame, . x li. xiij s. 4d.

Vpoun Thurisday, the 16 day of Merche, our aduocattis being convenit for consulting anent the thrid reasoun of our libell, instructing the auld lairdis diuiding of the landis and teind for quhilk he wes ehairgeit, and the young lairdis rycht and possessioun, and for setting doun the ordour of ingeving of the writtis, quhilk being sychtit and consultit vpoun be thame, if we thair-eftir we mycht renunce probatioun or not.

Item, at the samin tyme gevin to Mr. Thomas Hope twa roisnobles at . xxj li. xiij s. 4d.

To Mr. Thomas Nicolsoun, ... xx li.

To Mr. James Oliphant ane duble angell at . . . . xiij li. vj s. viij d.

To Johnne Belseheis ane roisnoble at . . . . . x li. xiij s. 4d.

To Mr. Thomas Nicolsones man, ... iij li. vj s. viij d.

To Mr. Thomas Hopes man, ... iij li. vj s. viij d.

To Mr. James Oliphantis man, ... iij li. vj s. viij d.

Vpoun Saterday, the 25 day of Merche, our caus wes to be aduisit and concludit, eftir I hade returnit frome Coldinghame with Mr. William Duglassis approbatioun of the acquittanees gevin to the young laird, for nothing moir wantit that mycht serve the turne.

The clerk haifing takin in the proces to haif bene concludit, the lord Gordoun, our aduersare pairtie, haifing vrgeit the calling thairof him self, we feareing his vehemencie and not knowing what he hade to say, be convoy of the clerk, James Gibsoun, abstraetit the kuist and haill proces for that day, so that thair wes nothing thairintill at that tyme, quhilk moveit ws to vrge ane consultatioun of our lawiouris the samin day eftirnoone, at quhilk consultatioun:

Gevin to Mr. Thomas Hope twa pees at . . . . . xxvj li. xiij s. 4d.

Item, to Mr. Thomas Nicolsoun ane roisnoble with ane angell at . xvij li. vj s. viij d.

To Mr. James Oliphant ane duble angell at . . . . xiij li. vj s. 8d.

Item, to everie ane of thaire men, iij li. vj s. viij d.—Inde, . . . x li.
Item, to Johne Belscheis ane rois noble—Inde, ... x li. xiij s. 4d.
Item, on Fryday, the 24, when the clerk wes desyrit to tak in the proces to be aduisit.
Gevin to him self thrie roisnobles at . . . . . xxxij li.
Item, to his sone, young Mr. Alexander, for his paynis in solisting and making ane grite number of the lordis vpoun our syde, twa peces, . . xxvj li. xiij s. 4d.
Item, vpoun Tysday, the 28 of Merche, the caus being gevin in agane and callit and reasoned, ane of the reasones illedit at the aduocattis instance, and decreit pronunceit in our fauouris vpoun the vther twa reasones.
Gevin that day in the morning to Mr. Thomas Hope, ... xx li.
To Mr. Thomas Nicolsoun ane roisnoble at . . . . x li. xiij s. 4d.
Item, to the maiseris, ane angell, ... vj li. xiij s. 4d.
Item, gevin to James Douglas, writter, for taking ane officer of armes out of the toun of Duns, in the Mers, to Coldinghame, and chairging of Mr. William Douglas to gif his aithe vpoun the reasones of the libell, ane angell at vj li. xiij s. iiij d.
Item, to Mr. Alexander Gibsoun for the act of renunciatioun of the forder probatioun, xl s.
Item, to him for the decreit, ane pece at . . . . . xiij li. vj s. viij d.
Item, to his men of drinksiluer, ... iij li. vj s. viij d.
Item, to the writtar for writting of the suspensioun aganis Mr. Patrik, . . xxiiij s.
For the signating of the samin, ... x s.
Item, for writting the suspensioun contrar Mr. William Clogie, . . . xxiiij s.
For the signet to the samin, ... x s.
For the suspensioun aganis Mr. Dauid Dick, ... xxiiij s.
For the signet, ... x s.
For the letter of horning aganis Moynes, ... xviij s.
For the signet to the samin, it contening poinding, . . . xxxj s. viij d.
Item, for the summondis of warrandice aganis Mr. Patrik, . . . xx s.
For the signet thairto, ... x s.
Item, payit to the goodwyff for four glaissis quhilkis wer brokin in the lairdis chalmer, ... xiiij s.
Item, to the maidines of drinksiluer, ... xx s.
Item, gevin to Andro Reid, stabillare, for the lairdis hors all the tyme off his being in Edinburgh, and for the gray hors for ane certane space, and for sex witnessis meit and bed for four haill dayis, conforme to his awin compt gevin of the particulares, ... xix li. j s. 4d.
Item, payit to the taverner boy for thrie pointis of wyne, quhilkis he gaif his aithe wes brocht to the lairdis chalmer, and we culd not find in compt, . xxx s.

Item, payit for the denner to the haill sex witnessis in Johnne Houmes hous, the day they wer attending to be admittit and sworne, ... xxix s.
Item, payit to James Gibsoun, quhilk he payit for the mending of the lardis mountour, ... iij li. vj s. viij d.
Item, for registratioun of the zoung lairdis tak of teindis, by and attour the fyve merkis send, ... xx s.
Item, for twa pair of letteris laborrowis and spuilzie raised aganis the men of Straithern, etc., ... iiij li.
Item, for the not of plat for instructing the suspensiounes aganis the ministeres, . xxx s.
Item, to ane berer to gang for Ernsydis wreittis in my Lord Rothes improbatioun, xl s.
Item, for taking vp the wreittis produceit in my Lord Rothessis improbatioun, iij li. vj s. viij d.
Item, to Johnne Meene, merchand, for confectit reasour berreis [red currants] send to the laird when he was seik at Leathin, ... iij li. iij s.
Item, payit to James Tarres at twa seuerall tymes he wes directit to Inuernes to chairge Angus Williamson and bairnes, and denunce and registrat, at everie tyme ane angell; inde, ... xiij li. vj s. 8d.
Item, my chairges fra the thrid of Merche to the vij of Aprile, myself with ane boy and hors hyrit to Coldinghame, to get Mr. William Douglassis approbatioun to the zoung lairdis acquittances.
Item, gevin to Lawrence Keir, for the setting doun of the conditioun betuix ws and Mr. Johnne Oliphant, ... iij^{xx}vj li. xiij s. 4d.

Vpoun Mounday, the 26 day of Junii, the young laird come to Blair vpoun his journey southe, accompaneit with sex horsemen and thair boyis.

Item, payit the samin nycht for the supper to himself, his haill cumpanie and vther auchtein persones, futemen of cuntrethe men, ... vl li.
Item, to ane fidlar thair, ... vj s.
Item, to ane poore auld wyff thair, ... xij d.
Item, to ane poore crepple man, ... viij d.
Vpoun Tysday the 27 day, payit for the braikfast in Robert Reidis hous in Straithtey, and for beir to the hors, ... xxvj s.
Item, the samin day, at Murtlycht, for twa pectis corne to the horssis, . . xij s.
Item, of wages to fyve boyis that day, ... x s.
Item, gevin at the lairdis command to the skinner of Ballachastell at the lairdis command, he meting ws be the way, ... vj s.
Item, in Huntintour at nycht to ane gangrall woman at the lairdis command, . iij s.
Item, in Scoone the samin nycht for horssis meit, ... vj s.

Item, on Wednisday the 28, gevin to twa poore folkis at the yet of Huntingtour, . iij s.
Item, the samin day in Kyneswoode, for girs to the lairdis horssis, . . iij s. 4d.
Item, for twa pectis corne, ... x s.
Item, for sum meit and drink to our selffis and boyis, ... xx s.
Item, the samin nycht in Brunt Iland, for the supper, ... xxx s.
Item, of wages to the boyis, ... x s.
Item, to thrie boyis who wes directit hame with four horssis, amangis thame selffis and horssis, ... iiij li.
Item, to Gilbert Stevinsone to tak him self with twa horssis to Foules, . . xij s.
Item, payit for fraucht at Leyth, ... xxxvj s.
Item, payit the samin nycht in Leyth for twa beddis being lait acuming of the sey, viij s.
Item, vpoun Thurisday, the 29 day, gevin to ane man wha careit our graithe fra Leyth to Edinburgh, ... iiij s.
Item, for Patrick Royis denner, being the graithe in Johnne Homes hous that day, ij s.
Item, the samin nycht the laird come to Cannogait and remanit the space of [two] nichtis in Effie Wilsones hous.
Payit thair during the samin space, conforme to the particulare compt gevin thairof, for ordineris and extraordineris, ... xij li. xij s. viij d.

Vpoun Saterday, the first of Julij, come to Edinburgh to Johnne Homes foir chalmer.

Item, the samin day payit for twa hundrethe chirreis to the laird, . . xx s.
Vpoun Mounday, the 3 day, gevin to Johnne Grant to by shoes at the lairdis command, ... xxiiij s.
Item, the samin day to Sir Mungo Murrayis boy whoe come with ane missiue, . vj s.
Vpoun Fryday, the 7 day, at nycht, for ane quart helthsum aill, . . . iiij s.
Vpoun Saterday, the 8 day, at nycht, payit for the hyre of thrie horssis quhilkis the laird hyred to Alloway, ... v li. iiij s.
Vpoun Sonday, the 9, to Patrik Grant to pay for the waishing of the lairdis claithis, xvj s.
Item, the samin, in the eftirnoone, payit at Leithe in George Archibaldis hous for the eftirnoone, ... xxxvj s.
Item, the samin nycht to Johnne Murrayis nurische, the laird being thair at supper, ... xxiiij s.
Vpoun Tysday, the 11 day, gevin to Budgie the pauiour, ... vj s.
Item, to Patrik Roy being send to Scoone with ane missiue, . . . xvj s.
Item, to Mr. Thomas Young for seiking and finding furthe of the Practick, L. Thirlstane aganis Meatland of Lethingtoun, quhilk we wes informit be our lawiouris wald haif maid for ws, to him for his awin paynis ane angell, vj li. vj s. viij d.

Item, mair to him to gif to the clerkis man for the booke to the samin wer extractit, and for the extracting of the samin, contening nyne throghes of paper, ane vther angell, ... vj li. vj s. viij d.
Item, on Wednisday send out for twa quartis aill, ... viij s.

Vpoun Wednisday, the 12 day, our aduocattis being convenit to ane consultatioun anent the defenssis to be proponit aganis the Lord Gordounes reasounes of reductioun.

Gevin to Mr. Thomas Hope twa peces at . . . xxvj li. xiij s. iiij d.
To his man, ... iij li. vj s. viij d.
To Mr. Thomas Nicolson, vther twa peces, . . . xxvj li. xiij s. iiij d.
To his man, ... iij li. vj s. viij d.
To Mr. James Oliphant, twa peces, ... xxvj li. xiij s. 4d.
To his man, ... iij li. vj s. viij d.
Item, to Johnne Belscheis, ... xx li.
Item, the samin nycht at supper to ane crepple man who played on the trump, . xij s.
Nota, payit to Johnne Murray for James Gibsoun, ... xliij li.
Item, on Fryday, the 14 day, for twa quartis aill to denner, . . . viij s.
For vther twa quartis to supper, ... viij s.
Item, the samin nycht to twa sangsteris that come to the doore, . . . vj s.
Item, vpoun Saterday in the morning for ane quart wormewoode aill, . . iiij s.
Item, the samin day at braikfast in Johnne Homes hous, thair being sum cumpanie with the laird, ... xxiiij s.
Item, eftirnoone for twa quartis aill, ... viij s.
Item, at supper for twa quartis aill, ... viij s.
Item, on Sonday at denner for twa quartis, ... viij s.
Item, eftirnoone for ane quart, ... iiij s.
Item, at supper twa quartis, ... viij s.
Item, on Mounday in the morning for wormewoode driuk, . . . iiij s.
And for tobaco to the laird, ... vj s.
Item, for ane point of wyne, Sir Mungo and Johnne Murray being with the laird, x s.
Item, the samin day for ane quart aill, ... iiij s.
Item, to Thomas Johnestoun to by bran to the lairdis dogs, . . iiij s. viij d.
Item, vpoun Tysday for aill at morning, ... iiij s.
Item, at denner tua quartis, ... viij s.
Eftirnoone ane quart, ... iiij s.
Item, at supper tua quartis, ... viij s.

Vpoun Wednisday in the morning ane quart, ... iiij s.
At denner tua quartis, ... viij s.
At supper tua, ... viij s.
Item, vpoun Thurisday for aill, ... xx s.
Vpoun Fryday, gevin to witnessis quhilkis wer summonit our Bellindallach aganis Caroun vnnecessarlie, and the laird haifing satlit the particulare all to the witnessis expenssis, quhilk they culd not agree vpoun, and thairfoir befoir the laird suld lat thame lous agane and be hard befoir the counsall in sic idle and nochtie actiounes to thair disgraces and thair cheiffis also, he being in the toun, resolved to pay the expenssis, quhilk wes . . . vj li. xiij s. 4d.
Item, the samin day to James Bayne, wha wes directit hame, . . . xxx s.
Item, the samin day for aill, ... xvj s.
Item, for ane point of sweit Frensche wyne, ... x s.
Item, on Saterday for aill, ... xx s.
Item, on Sonday to the tas and be the way betuix and College kirk to the puire, . vj s.
Item, for aill to denner and supper, ... xvj s.
Item, at the lairdis command, payit for ane pair of schoes to , . xxvj s. viij d.
Item, to the kirk officer for the lairdis seat, ... vj s.
Item, to the laird himself, to be gevin to Rob Scott, the violer, . . . xxxvj s.
Item, the 21 (20) of Julii, payit in Effie Wilsone's hous for twa supperis, the laird being in the Abay attending the Erll of Mar, and thair being in cumpanie sum of the Erles folkis with his awin cumpanie, ... ix li.
Item, for ane choppeine of wyne eftir reackoning, ... v s.
Vpoun Saterday, the 22 day, at morne, gevin to Mr. Thomas Hope, the Lord Gordounes reductioun being to be callit that day and reasoned, and the president aduising ws not to lat our aduocattis know of the submissioun past amangis ws, bot to suffer the mater be reasoned in heest measour, so that we suld sie hou the mater suld go, in cais it hade not bene packit vp be submissioun.
Item, the samin day, gevin to Mr. Thomas Hope, ... xx li.
Item, to Mr. Thomas Nicolson ane pece at . . . . . xiij li. vj s. viij d.
Item, the samin nycht, gevin to Patrik Grant to be gevin for waishing of the lairdis claithis, ... x s.
Item, vpoun Sonday, for ane chopeine Renishe wyne to the laird, . . . xij s.
Vpoun Tysday, the 25, for ane quart aill at denner, ... iiij s.
Item, vpoun Wednisday at morne, for ane quart of wormewoode, ... iiij s.
Item, the samin day, to denner for aill, ... iiij s.
To the supper, for ane quart, ... iiij s.

Item, payit in Seargeane Jeakis hous for wyne and eftirnoone drink, Glenmoristoun and sum vtheris being with the laird, ... xxiiij s.
Item, vpoun Thurisday, gevin to Patrik Roy for going to Foules for the lairdis horssis, xxiiij s.
Item, the samin day, for ane quart aill to the braikfast, ... iiij s.
Item, to Gilbert Stevinson, at the lairdis command, to pay for shoone and bootes, xl s.
Item, in Alexander Watsone's hous, gevin for tobaco with ane pype, the laird haifing dynit thair with Glenmoristoun, ... iiij s.
Nota, on Sonday, the 16 day, for washing the lairdis claithes, payit be Patrik Grant, viij s.
Item, gevin to Mr. Alexander Gibsoun, elder, when the laird tuik leife of him, . xl li.
To his sone, young Mr. Alexander, ... xl li.
Item, to his men, of drinksilver, for writting of the commissioun grantit for examinatioun of the witnessis at hame, ... iij li. vj s. viij d.
Item, vpoun Mounday the last of Julii, gevin to Johnne Belscheis for his comperance in all the lairdis vther turnes, and for setting doun the depositiounes of the witnessis in forme to be brocht northe, ane roisnoble at . . x li. xiij s. 4d.
Item, at the samin, gevin to him self and his man, William Buchaunan, the braikfast, xxiiij s.
Item, gevin to the porter at Nether Bow, the laird being going out vpoun his journey hame at tuelf houris at nycht, ... xij s.
Item, payit in Leyth for beddis that nycht and braikfast to him and cumpanie on the nixt morning, to the laird and his cumpanie, payit be James Gibsoun, quhilk I payit to him agane, ... iij li.
Item, payit to Andro Reid, stabillare, for Thomas Johnestounes naig haifing staid with him xvij nichtis, at vj s. ilk nycht—Inde, ... v li. ij s.
Item, payit of extraordineris to Johnne Homes tauernour all the tyme the laird wes thair, for beir, aill, and ane chopeine wyne, . . . xlij s. viij d.
Item, payit to hir quhilk wes borrowit fra hir, I being furth, to be gevin to Rob Scot, violer, by and attour the 36 I gaif to the laird my self to be gevin to him ther, ... xxxvj s.
Item, for the ladyis pickinkill and dressing, ... vij li. x s.
Item, for ane kuist to carie the samin, ... viij s.
Item, payit for Patrik Grant and my self, wha steyit twa meales eftir the laird doing his turnes, ... xxvj s. viij d.
For our bed that nycht, ... iij s.
Item, for our bed, Jame Mathou and Gilbert Stevinson being with ws, . . xij s.
Item, payit in Brunt Iland for twa horssis four nychtis, fyve horssis thrie nychtis, at vj s. nychtlie, twa hors xx s., for shooing of horssis xx s., for drink with sumrmeit to the laird eftir landing, fyve boyis wages for four dayis, all being comptit, and sum meit to our selfis eftir landing, all being comptit, extendis to . xiij li.

Item, for our awin supperis in paresche, ... xij s.
For gres to our horssis, ... iiij s.
Item, payit in St. Johnestoun for girs and stablefie to sevin horssis, . . xxviij s.
Item, to sex boyis of wages, ... xxiiij s.
Item, to the gudewyff, the laird and ane with him being in Scone, . . xl s.
Item, at the lairdis returne fra Scone, payit for drink with sum meit to the laird and cumpanie, ... xiij s. iiij d.
Item, for waishing the lairdis claithes thair, ... xij s.
Item, to the laisses of wages, ... vj s.
Item, payit in Lochend in Stormound for meit and drink, the laird Pitfirran being with the laird, ... xxiiij s.
Item, payit in Straithardle for ane pair single soillit shoes to the laird, ... s.
Item, payit for the supper thair and sum meit we tuik with ws vpoun the morne, v li.
Item, to the boy that careit the samin with ws, ... vj s.
Item, payit to the goodwyff in Edinburghe eftir compt futit with hir, as hir awin particulare gevin thairof beires, for furnissing chalmer maill and all, ij^{c}vj li. ix s. 4d.
Item, payit to the Exchequer for the mailes of Glencharnych, Vrquhart, and Glenmoristoun, as the eque beires, ... viij^{xx}xij li.
Item, to the clerkis and ischeris, as is writtin vpoun the bak of the eque, . vj li. xiij s. iiij d.
Item, vpoun the fourt day of October instant send to Inuernes to William Gray thair for his comperance for the lairdis people duelland within the schire of Inuernes, wha wer trublit be the shirref for slauchter of blakfische, and produceing thair of the dischairge gevin be the chancellares commissaris to all his people aganis whom they haif commissioun, and thairvpoun to haif taikin instrumentis, ... xxx s.

Dorso.—Gregour Grantis compt giffin to the Laird of Grant, in the quhilkis he wes superexspendit vj^{c}xiij li. vj s. 8d., as the young laird and Johne Donaldsone will testifie, [etc.].

262. Commission by King James the Sixth appointing Colin Lord Kintail, John Grant of Freuchie, and others, Justices and Commissioners to pursue the Clan Cameron with fire and sword, etc. 18th June 1622.

James, be the grace of God, King of Grite Britane, France, and Irland, Defendair of the Faith, to all and sindrie liegeis and subiectis quhome it effeiris, to whose knawledge thir our letteris sall come, greeting: Forsamekle as we, haveing now, by the force of our royall power and auctoritie, and by our most prudent and wyse gouernament, reduceit the whole Ilis and

Heighlandis of this our kingdome to obedience, and establisheit peace, iustice, and quietnes within the same, to the comforte of all our goode subiectis within the Ilis and continent nixt adiacent, thair is onlie ane lymmair, to witt, Allane Cameroun of Lochyell, that lyis oute and refuiss to give his obedience, who being vnwoorthie of our favour formarlie shawne vnto him when he stoode in danger of our lawis, and haveing maid shipwrack of his faith and promeist obedience, and shaking of all feare of God, reuerence of ws and our auctoritie, and regaird of iustice, and being diuers tymes rebell and at our horne for cruell and detestable murthouris and otheris insolencyis committit be him, he now hes associat vnto himself a nomber of otheris theivis, traytouris, and lymmaris, by whome he intendis to interteny ane oppin rebellioun, and to disturbe and disquiet our peace in the Heighlandis, whilkis we with so grite panes, travellis, and expenss haif satled in obedience. And whereas it is a mater tuitcheing ws verie heighlie in honnour, that suche ane vnwoorthie cative sall so long stand oute as gif he wer nouther subiect to king, law, nor iustice; and we, vnderstanding the goode affectioun of our traist cousine, Coline Lord Kintaill, and of our truistie and weelebelovittis Sir Lauchlane M^cIntoshe of Dunauchtane, Sir Rorie M^cCleud of Hereiss, John Grant of Freuquhie, Sir John Campbell of Caldell, Campbell of Auchinbreck, Sir Coline Campbell of Ardinkinglas, John M^cDonald M^cAllane V^cEane of Ilantyrum, capitane of the Clan Rannald, Sir Donald Gorme of Slaitt, Campbell of Lochinyell, Sir Rori M^cKenyee of Cogaithe, Sir John Grant, appeirand of Frewquhie, John Grant of Glenmoristoun, Sutherland of Duffus, Sir Mungo Murray of Drumcairne, Donald M^cAngus of Glengarrie, M^cFarlane, appeirand of Arroquhair, Dauid Ross of Holme, Robert Campbell of Glenfallache, Williame Dollas of Contra, Andro M^cFersane of Clunie, Duncane M^cIntoshe of Abirdour, Malcolme M^cIntoshe of Brwme, and Patrik Grant of Ballindallache, to do ws service, and how thay wil be cairfull and willing to vndergo quhatsomeuer panes and trauellis in our service that sal be concredite vnto thame: Thairfoir we, with aduyse of the Lordis of our Secreit Counsaill, haif made and constitute, and be the tennour heirof makis and constitutis the personis abonewrittin, and eueryone of thame, conjunctlie and seuerallie, oure Justiceis and Commissionaris in that pairt to the effect vnderwrittin; gevand, grantand, and committand to thame, conjunctlie and seuerallie, our full power and commissioun, expres bidding and chairge, to convocat our liegeis in armes, and to pas, searche, seik, hunt, follow, and persew, with fyre and sword, the said Allane quhereuer he may be apprehendit; and to keepe, hold, and deteane him in sure firmance and captiuitie ay and quhill thay may convenientlie exhibite him befoir the Lordis of our Previe Counsaill, to the effect ordour and directioun may be gevin for his pvnishement as accordis: And gif it sal happin the said Allane, for eshewing of apprehensioun, to flee to strenthis and houss, with power to our saidis commissionaris, conjunctlie and seuerallie, to pas, follow, and persew him, assedge the saidis strenthis and houss, raise fyre, and vse all kynd of force and wearelyke ingyne that can be had for wyneing and recouerie thairof and

apprehending of the said Allane being thairintill: And gif in persute of the said Allane, he refuseing to be takin, or assedgeing the saidis strenthis and houss, it sall happin the said Allane, or ony being in companie with him and assisting him, or within the saidis strenthis and houss, to be hurt, slayne, or mutilat, or ony other inconvenient quhatsomeuer to follow, we, with aduyse foirsaid, willis and grantis, and for ws and our successouris, decernis and declaris that the same sall not be impute as cryme nor offence to our saidis commissionaris, nor personis assisting thame to the executioun of this our commissioun, nor that thay nor nane of thame shall nocht be callit nor accused thairfoir criminallie nor civilie be ony maner of way in tyme comeing; nochtwithstanding quhatsomeuer actis, statutis, or proclamationis maid in the contrair, quhairanent we, with aduyse foirsaid, dispenss be thir presentis: And for the better executioun of this our commissioun, with power to oure saidis Justiceis and Commissionaris, and to the personis assisting thame in the executioun of this our commissioun, to beare, weare, and vse hacquebuttis and pistolettis in the tyme of thair going fra thair awne houss for our seruice in the executioun of this our commissioun, and during the tyme thay ar in the prosequutioun of the said seruice, and in thair returning thairfra to thair awne houss allanerlie: Prouyding alwayes that thay do not beare, weare, nor vse the saidis hacquebuttis and pistolettis against ony of our laufull, obedient, and goode subiectis, vtherwayes this present warrand and power grantit to thame for bearing and wearing the saidis hacquebuttis and pistolettis to be null and of nane availl, force, nor effect: And generallie all and sindrie otheris thingis to do, exerce, and vse quhilkis for the executioun of this our commissioun ar requisite and necessar; firme and stable holding and for to hold all and quhatsomeuer thingis our saidis commissionaris, conjunctlie and seuerallie, sall laughfullie do heirin; chairgeing heirby yow all and sindrie oure saidis liegeis and subiectis, to reuerence, acknawledge, and obey, ryse, concur, fortifie, and assist our saidis commissionaris, coniunctlie and seuerallie, in all thingis tending to the executioun of this our commissioun, and to do nor attempt nothing to thair hinder and preiudice, as yow and ilk ane of yow will ansueir to us and our Counsaill vpoun your obedience at your heighest chairge and perrell. This oure commissioun vntill the feast of Alhalloumes, in the yeir of God j^{m}v[j]^{c} and tuentie three yeiris, but reuocatioun to indure. Gevin vnder our Signet at Edinburgh, the auchteene day of Junii, and of our reign the fiftie fyve and tuentie yeiris, 1622.

Per actum Secreti Consilii.

JA. PRYMROIS.

263. Latter Will and Testament of Annas Grant, Lady Mackintosh. 9th October 1624.

The letter vil of Annas Grant, Ladie M^cIntoisce, vreittin be M^r Patrik Lausoune, servitour to the Ladie Grant, at the Ile of Moey, the 9 of October 1624 yeiris.

Imprimis, the custodie of hir coifferis, vith thair continentis, grantit to my sister Katherin, to be givin to my dochter quhen scho is of perfyt age.

Item, ane thousand markis vpon band in Hectour M^cAlister Vic Eachin, present occupier of the landis of Moy Moir, disponit to my dochter to be put in vse be the Laird of Duffus to hir effect.

Mair, thrie hundret merkis to be takin with my trunk in Fynlaw Skinner his house, to my eldest sone Villiam, the rest to be givin to the Laird of Duffus to my dochteris effect.

Mair, my scarfe to be givin to the Ladie Duffus, my sister.

Mair, my mauise to be givin to the Ladie Balvenie, my sister.

Mair, my flourit taiffatie goune, lying in my trunk in Inuernes, to my sister Katherin.

Item, my gray nage left to Mr. Patrik Lausoune for attending my sonne.

Mair, all vessell, cups, insicht plenissing, pottis, truncheris, silver spunis, to my eldest sone Villiam.

Mair, tua pair of quhyt plaidis, vith ane schuit [sewed] covering, left to my gud frend Bescie Hay, spous to John Donaldsone.

Mair, four bollis victual, left to Katherin Vaus four dochteris, vith tua bollis to hir self.

Mair, my servandis fies to be payit be my husband vith the crappe, and the rest to cum to his awin effect.

Item, my blak velvet purse, vith quhatsumewir is contaned thairin, to my husband, quhilk all vith my bedding presentlie in the Il of Moy, left to my husband. Quhilk all abone specifiet, I subscryve vith my hand, befoir thir vitnesses, James Grant, sone to Suine Grant in Curre, James Hay, sone to James Hay in Lethinbar, and Mr. Patrik Lausoune, vreittar of the premisses, vitnes, and Villiam M^cIntoische, vitnes, my husband.

James Grant, vitnes. Annas Grant.
James Hay, witnes.

264. Letter by King Charles the First to the Privy Council of Scotland, approving their proceedings with the Laird of Grant. 31st July 1631.

Charles R.

Right trusty and welbeloued cousin and counsellour, right trusty and welbeloued cousins and counsellours, and right trustie and welbeloued counsellours, wee greete yow well. Wee haue heard how yow haue made the Laird of Grant to produce . . . Alaster Grant, a rebell, to be subject to the tryall of our lawes, . . . wee do approue of the maner of your proceeding, so

wee do of your care and diligence in the speedie execution, for which wee giue yow hearty thanks, and are willing (if yow shall find it convenient) that yow insist not onely to tak the like course with the said Laird of Grant, but likewise with our right trustie and welbeloued cousin and counsellour, the Marquise of Huntlie, for produceing all such rebells who as yet stand out, and whom, by the generall band, they are bound to exhibite, and with all such noblemen and others who, by vertue thereof, are subject in the like kind when the like occasiones shall happen to occurre, which wee will tak as most acceptable seruice done vnto vs, which speciallie recommending vnto your care, wee bid yow farewell. From our Court at Oatelandes, the last day of July 1631.

[*Dorso.*]—To our right trustie and right welbeloued cousin and counsellour, to our right trusty and welbeloued cousins and counsellours, and to our right trustie and trustie and welbeloued counsellours, the Viscount of Duplin, our Chanceler, the Earle of Morton our Thesaurer, the Earle of Monteith, President of our Priuie Counsell, and remanent noblemen and others our Priuie Counsellours of our kingdome of Scotland.

265. LETTER by THE SAME to THE SAME, respecting the continuation of the trial of Alaster Grant. 10th November 1631.

CHARLES R.

RIGHT trustie and welbeloued cousin and counsellour, right trustie and welbeloued cousins and counsellours, and right trustie and welbeloued counsellours, wee greete yow well. Whereas wee haue giuen order to yow . . . who are here, for composing of such [differences among the name] of Grant, not intending thereon that such [as have] transgressed our lawes and broken our peace in those parts [should escape,] if anywayes found guiltie or accessarie therevnto; and . . . that Alaster Grant (who of a long time hath been a prisoner . . . alleadged against him of this kind), is shortlie to be put to his tryall; . . . it is requisite for the better clearing of the truth herein, that some longer time be prescribed for that purpose: Our pleasure is that the said tryall be continued till the tenth day of Aprile ensueing, before which time we will exspect that farther light wilbe giuen therein. Wee bid yow farewell. From our Court att Whythall, the tenth day of Nouember 1631.

266. LETTER by THE SAME to THE SAME respecting the further continuation of the trial of Alaster Grant. 28th March 1632.

CHARLES R.

RIGHT trustie and right welbeloued cousin and . . . cousins and counsellours, and right trusty and . . . well. Whereas upon good consider . . . Alaster Grant, wee were pleased that his tryall should . . . tenth day of Aprile ensueing. The like reasones now moving vs th[at some] longer time be granted, our pleasure is that his tryall be continued [unto] the first day of . . . ensueing, before which time [wee] will exspect that further light shalbe

giuen in that busienesse: And [in] the meane time, that yow giue order for composing of the differences among the name of Grant, taking such suretie as is requisite of any person w[hom] yow shall think may disturbe our peace in those parts; which recomending vnto your cair, we bid you farwell. From Whythall, the 28 of March 1632.

267. Letter by The Same to The Same, respecting the trial of John Grant of Glenmoriston, at his own request. 21st April 1632.

Charles R.

Right trustie and right welbeloued cousin and councellour, right trusty and welbeloued cousins and councellours, and right trustie and welbeloued councellours, wee greete yow well. Whereas John Grant of Glenmoriston hath long attended [at] our Court, humblie craving of vs that wee wold be pleased to give order that a course might be taken for his tryall, touching some imputationes wherewith wee were informed against him, who, being willing to vnderly the law, and to that effect to be tryed either before the Justice Generall, or any other judicatorie yow shall think competent: Our pleasure is that yow tak sufficient suretie of him for his, his sonnes, brothers, and seruants appearance before yow, or any judicatorie thought competent by yow, at such a day as yow shall think fitt to prescribe, that he may enjoy the benefite of our lawes as is ordinarie in the like cases. Wee bid yow farewell. From our Court at Whitehall, the 21 of Aprile 1632.

268. Commission by King Charles the First to Sir John Grant of Freuchie, Knight, against broken men within his bounds and elsewhere. 17th February 1635.

Charles, be the grace of God, King of Great Britane, France, and Ireland, Defender of the faith, to our lovitts messengers, our shireffs in that part, conjunctlie and seuerallie, speciallie constitute, greeting: Forsamekle as it is vnderstand to the Lords of our Priuie Counsell that there is a nomber of the disordered and brokin lymmars of the Hielandes that of late hes brokin louse, and in troupes and companeis comes doun to the incountrie, and to others parts and bounds nixt adjacent to the Hielands, where they have committed cruell and barbarous murders and slaughters, and manie stouthes, reiffs, heirships, and depredations vpon our peaceable and good subjects dwelling in the incountrie; and they ar the farther encouraged to continew in thair lawlesse and insolent doings be reason that the landslords, in whois bounds thir insolenceis ar committed, pretends excuses anent the not following and persewing of thame throw default of speciall commission not givin and grantit vnto thame for that effect; and whereas now manie of the landslords ar putt vnder caution for making thair men, tennents, and servants, and suche others as by the law they must be comptable for, obedient to law and justice, and it being verie necessar for the peace of the countrie and the better suppressing of thir brokin lymmars that the saids landslords be armed with power and commission to follow and persew thame with

fire and sword, for this purpose we have givin and grantit, and be the tennour heirof gives and grants our full power and commission, expresse bidding and charge, to our weilbelouit Sir Johne Grant of Frewchie, and his baillcis, for whome he sall be answerable, to convocat our lieges in armes, and to pas, searche, seeke, hunt, follow, and persew, with how and cry, all and sindrie theeves, sorners, and maisterlesse persons, committers of murder, slaughter, fire raising, reaffe, thift, and oppressioun within his bounds, and all ydle and maisterlesse men wanting lawfull and sufficient testimonialls of thair birth, residence, and trade of life, where and in whatsomeuer parts and bounds they may be apprehended, and to take and apprehend thame, and to present and exhibite thame to the shireff of our shire, or others judges ordinar nixt adjacent, to vnderly thair tryell; and for the better execution of this our commissioun, with power to our saids commissioners, and suche persons as sall accompanie thame therein, to beir, weir, and vse hacquebuts and pistolets in the execution of the said commission allanerlie, and no otherwayes, and with speciall provision that they doe not weir nor vse thame aganis nane of our lawfull and good subjects; and if thir brokin lymmars, theeves, and vagabounds, for eshewing of apprehension, sall flee to strenths and housses, with power to our saids commissioners to pas, follow, and persew thame, assege the saids strenths and housses, raise fire, and vse all kinde of force and warre-like ingyne that can be had for wining thairof and apprehending the lymmars being therein; and if, in persute of the saids lymmars, or assieging of the saids strenths and housses, there sall happin slaughter or anie other inconvenient whatsomeuer to fall out, we declare that the same sall not be impute as crime nor offence to the saids commissioners or the persons assisting thame in the execution of this our commission; exonering and releeving thame of all pane, crime, skaith, or danger that they or anie of thame may incurre therethrow for ener: And forder, we declare that in whatsomeuer bounds our saids commissioners or thair servants sall deprehend anie stollin goods, that the maister of the ground and bounds sall ather caus restore the goods to the awners, with the interest and domage, or otherwayes, that they sall be haldin to exhibite the stealers or the persons with whome the stollin goods sall be deprehended, before our counsell and Justice, to vnderly thair tryell and punishement. Our will is heirfoir, and we charge yow straitlie, and commands that incontinent thir our letters seene, yow pas, and in our name and auctoritie command and charge all our lieges and subjects, be opin proclamatioun at all places neidfull, to reverence, acknowledge, obey, rise, concurre, fortifie, and assist our saids commissioners in all and euerie thing tending to the execution of this our commission, and to doe nor attempt nothing to the hinder nor prejudice thairof, as they and euerie ane of thame will answer vpon the contrare at thair perrell: And we declare that we have grantit this commissioun with this speciall provision and expresse command to our saids commissioners, that they once euerie quarter of ane yeere certifie our counsell of thair proceedings, otherwayes this our commissioun to be null. The quhilk to doe we committ to yow, conjunctlie and seuerallie, our full power be thir our letters, delyver-

ing the same, be yow dewlie execute and indorseit, agane to the bearer. Givin vnder our signet, at Edinburgh, the sevintene day of Februar, and of our raigne the tent yeere, 1635.

Per actum Secreti Consilii.

M. G. Prymerose.

269. Certificate in favour of Sir John Grant by Mr. John Chalmer, Minister of Inveravon, respecting his diligence in searching for James Grant of Carron. 4th January 1636.

To the Right Honorabill the Lordis of His Majesties Most Honorabill Privie Counsell, health in our Saviour, Jesus Christ. Be it knowen as I, Mr. Johne Chalmer, minister of Godis word at the kirk of Inveravin, do testifie that the Laird of Grant hes done reall diligence in searching and for apprehending of the rebellis, James Grant, Robert Grant his brother, and Georg Grant his sone, by sending out ane number of habill and fensible men of his kin and friendis, who came to ye boundis of my parochin of Inveravin to ye goodman of Balnadallach yonger, attending his direction for apprehending the saidis rebellis, and vent accompanied with some men of Balnadallach his own chese, and searched and socht all ye boundis therabout, and dyveris vtheris partis, as I wes surelie informit, and stayed fra hame ane long tyme in that service, and therefter he sent out ane number of his men to the countrey of Strathdown for searching and apprehending of the saidis rebellis, and missing them they apprehended and tuik tuo of ther associatis followeris, whom they caried to the place of Ballachastell; and, as I am informit, becaus this publick forme of searche hes nocht succeided for the so haistie expedition of that service as he expectit, he being most earnest to haue the same accomplisit (as I haif hard of himself and vtheris be privat conference), he is privatlie dealling with some men, vpon promise of large revardis, to haue the saidis rebellis tacken and delyverit to him, deid or aline. These premissis I, vpon my conscience, testifie to be of truth be thir presentis, wretten and subscriuit with my hand at Inveravin, the fourt day of Januari, the yeir of God 1636.

M. J. Chalmer, minister of Godis word at the kirk of Inveravin.

270. Inventory, in form of an Instrument, by James Grant of Freuchie, of the plenishing in Castle Urquhart at his entry thereto. 27th June 1647.

At the Castell of Wrquhart, the tuantie sewint day of Junij, the yeir of God j^{m}vj^{c} fourtie sevin yeiris, and of his Majesteis regne the tuantie fourt yeir, etc.

The quhilk day the richt honourabill James Grant of Freuquhye, haifling taikin to consideratioune howhis mansioune and maner place of Wrquhart being alluterlie spoilzieit, plunderit, and abvsed of the whole plenesching, goodis and geir and insicht quhilk was thairintill and within the samene, and to prevent any actioune or inconvenient that might heirefter result or incur vpon the said James Grant, as intromettour with any goodis, geir, plenesching, insicht,

or vtheris of that nature, quhilk might be any wayes be alleigit to be within the said castell of Wrquhart and houssis thairof be any partie quhatsoever, directit the honest men and me, notar publict vnderwritten, with Mr. Johne Grant in Dalchappel, as procu[ra]tour for the said James Grant of Freuquhye, to sight, visit, and considder the saidis castell of Wrquhart and houssis thairof, togidder with what goodis, geir, plenciseching, insicht, and vtheris whatsumewer was in the samene castell and houssis thairof; conformelie to the quhilk directioune, Johne Grant of Dalrachnye, Duncane Grant of Cwr, Williame Falconar in Freuquhye, Williame Grant of Kardellis, James Grant of Ouchterblaire, the said Mr. Johne Grant, procurator forsaid, and Robert Farquhar, notar publict, went and sichtit, visitit, and considderit the said maner place of Wrquhart Castell, and haill houssis and woltis thairof, haill goodis, geir, plenciseching, and insicht thairintill, and fand nor nawayis war any thing thairintill bot as followis: that is to say, to witt, in the chalmer abone the hall, ane bed of tymber, ane taffill, ane furme; in the wolt chalmer, ane bed of tymber, ane taffill; in the hall, ane boorde, ane furme, ane taffill, ane chaire; in the seller, ane old kist, without any kynd of vther wairis, plenciseching, goodis or geir whatsumewer, in all or any of the saidis houssis and maner place forsaid, except allennarlie beare wallis. Quhilkis haill plenciseching, goodis, and geir abone wreittin, was not estemat to be abone in worthe abone tuantie poundis Scottis money; and thairfoire the said Mr. Johne Grant, procurator foirsaid for the said James Grant of Freuquhye, protestit and declairit, in name of the said James Grant, that he suld be no forder comptabill or ansuerabill to any persone or pairtie whatsumewer, haiffing or pretending to haif entres to any goodis, geir, or anything whatsumewer within the said castell and maner place of Wrquhart, and haill houssis thairof, bot allennerlie conforme to the inventare and particularis abone specifeit, allennerlie and no forder, and protestit to be saiff and frie of all forder actioune and perrell of law nor the vallour and extent of the said inventare: Wpon quhilkis all and sundrie premissis, the said Mr. Johne Grant, procurator forsaid, and in name of the said James Grant of Freuquhye, requyrit and tuik instrument and instrumentis in the handis of me, Robert Farquhar, notar publict vnderwrittin. Thir thingis [wer] done within the said mansioune and maner place of Wrquhart, and the seuerall houssis thairof respectiue, at fywe houris efternone or thairby, befoir thir witnessis, Andro Hay, Donald Makeowin, Jon Makinnab, seruitouris to the said James Grant of Freuquhye, witnessis requyrit and desyrit to the premissis. Ita est, Robertus Farquhar, notarius publicus ac testis in premissis et ad premissa specialiter rogatus et requisitus, teste manu propria asseruit. Ro. Farquhar, no^rius asseruit.

271. Testificate by the Laird of Freuchie's Brothers and Sisters as to his liberality in their settlements. 22d August 1653.

We wndersubscryweris, brotheren and sisteris to James Grant of Freuquhy, doe heirby regrait the wnnaturall and wnkynd dealeing of Alexander Grant, our brother, with the said James Grant his brother, in suiting (as we conceive) such wnlaufull actiones agaynst him as he hes

intendit, to our greate discontent, considering the poore conditione of lyvelieheade the said James Grant had at his beginning, eftir his deceist fatheris deathe, being then in such conditione of necessitie, that betuixt his motheris and grandmotheris lyferent and wther burdens of debt, baithe by band and on wedset, he wes forcit to sell ane good pairt of his living at that tyme far within the just vaulue thairoff, and yit for paying thair contractit burdens off debt, he is forcit to dispone in wedset wther lands, and till by God's providence he obtaynit by mariage ane reasoneable competent dote and tocher he had litle or no competencie off living, and so had litle mantenance to bestow on ws; yit we most ackneledge he hes bein so fordward for our good and for our helpe that we hawe no just reasone to compleane, and in speciall hes bein so kynd to the said Alexander, that he did bestow on him ane competeneie of living as if he had bein frie of burden, and hes ouer burdened himselfe for his helpe and profeite; and further, we declair our brother to haue bein alse kynd to ws as if he had bein frie of all burden, and tyed and oblist to ws by ane obligatione, and hes (to testifie the truethe of the premissis) by instance quhen occasione off matches offered for any of ws matchit alreadie tuo; ane sister with the Laird of Gairloche, and another gentleman our brother callit Robert, now deceist, on quhome he did bestow aceording, yea, and beyont his abilitie. The premissis we declair and testifie to be true by these, subscriuit with our hands att Frenquhy, the tuentye tua day off August j^m^vj^c^ and fyftie thrie yeiris, befoir thir witnessis, Captan Johne Hepburne, William Lamount, Patrick Thomsone, and Andro Gilzean, wreiter heireoff, seruitouris to the said James Grant of Frenquhy.

And. Gilzean, wreiter and witnes.
Pa. Thamsone, witnes.
Johne Hepburne, witnes.

PAT. GRANTT.
MOWNGO GRANTT.
LILLIAS GRANT.
THOMAS GRANT.
GEORG GRANTT.

272. SUPPLICATION by the PRESBYTERY OF STRATHSPEY and HERITORS AND WADSETTERS of the Parishes of Abernethy, Kincardin, Glencarnie, and Rothiemurchus, to Parliament for leave to appropriate the byrun stipends of the vacant parishes for the erection and maintenance of a school. *Circa* 1658.

To the richt honorabill the Lords and wtheris of the Parliament appoyntit for billis and trade—

The humble supplication of the presbyterie of Strathspey, and of the heritours and wedsetters of the parochine of Abernethye and Kincarden being wnite, and of the parochine of Glenchairniche and Rothymurchus being also wnite;

Humblie shewethe,—

QUHERAS thir sewerall yeiris bygane the kirkis of Abernethye and Kincarden being annexed, and the kirkis of Glenchairniche and Rothymurchus being also annexed, hawe bein

wacant without ministers, the one kirk being wacant fywe yeiris and the wther three, ilk ane therof fywe hundrethe merkis yeirlye, and so the people of the respective parochines frustrat of the beneefeit of the word and sacraments; and the parochiners of the saids parochines being bot poor, and the rent therof within the samen of litle walue, and lying farr in the Hielands from anie burgh or incuntrey for educatioun of their children, they not being able to plant or prowyd for anie schoolmaister ther, ther being none yit plantit, or anie mantainance to be had for thame, and seing the saids stipends wacant wnpayit cannot be more piouslye nor better disposed wpoun nor for planting and prowyding of sume mantainance for ane school in ilk ane of the saids parochines:

Heirfore humblie craweis that your Lordships wilbe pleaseit to appoynt and ordain the saids wacant resting stipends for the wse abonespecifeit, and to giwe warrand to the supplicants, or anie of thame, to collect and ingather the samen from the severall personeis addebtit theirin within the saids parochineis, to be applyed for the wseis abonewrittin, as your Lordships sall appoynt and your Lordships answere.

James Grant of Achchernek.
Mungo Grant of Comingeis.
James Grant of Toulloch.
J. Grant of Gartinmore.
Js Grant of Delrachnie.
James Mackintoische.
Mowngo Grant.
Patt Grant off Miltoun.
Patt. Grant.
Swoyne Grant of Gartinbeg.
James Grant of Lynnichurne.
Ro. Grant off Ochterbr.
James Grant of Frewquhye.
M. Gilbert Marshall, minister at Cromdell.
Mr La. Grantt, minister att Kinghoussie.
Mr. Ja. Dick, minister at Laggan.
Mr. Jos Sandersone, moderatour of the presbitrie of Straspey.
W. McKintosche.
Allexr Schawe.

273. Notarial Instrument respecting the service of men from Tullochgorm, Clurie, and Curr, in demolishing the Sconce at Inverness. 11th June 1662.

At the Sconce, near Inverness, the elevint day of Junij, one thousand sex hundred sextie and two years.

That day, in presence of me, notar publict vndersubscryving, and witnesses after specifiet, compeared personallie James Ogilvie of Wester Cur for himselff, and in name and behalff of

the Laird of Grant, Patrick Grant of Tullochgorme, Patrick Grant of Clurie, and James Lowson of Eister Cur, who past with me to the said Sconce, quher at that tyme he hade twelve men for the thrie davaches of Tullochgorme, Clurie, and Cur, working and easting downe the Sconce in obedience to the Earle of Murrayes ordour direct to them, and declaired that he saw none from the Earle of Murray to comand them, or oversie them, nor to bid them work, or to leawe off, nor knew not how long they should continow in work. In respect quherof, and that he saw none others come ther to work nor to oversie them, took instruments in the hands of me, notar publict vndersubscryving, quher they gave ther appearance and wrought conforme to order, and that they wer willing and readie to continow in the said work quhill they wer dischairgit, if they hade seine ane oversier or others working at the said work, and therfor the said James Ogilvie for himselff, and in name and behalff forsaid, protested to be frie of any inconvenience or prejudice that might follow or be chairgit on the countrey. This wes done betuix fyve and sex houres in the afternoone, day, year, and place forsaid, in presence of William Dunbar, sone to James Dunbar in Belnacrie, George Cuming, kirk officer of Invernes, and James Vrquhart in Schachray, witnesses to the premissis called and required, etc.

Et ego vero Joannes Neilsone, notarius publicus, in testimonium veritatis premissorum rogatus et requisitus hoc presens publicum instrumentum signoque nomine et cognomine meis solitis et consuetis signavi et subscripsi.

Jo. Neilsone, no^tius publicus, etc.

274. Copy Patent of proposed Earldom of Strathspey in favour of James Grant of Freuchie. *Circa* 1663.

Our Sovereign Lord, considering that his Majesty is the sole fountain of honour within his Majesty's dominions, from whom does flow all titles of honour and dignity, which his Majesty and his most noble progenitors have always conferred as the reward of virtue upon such as deserve to be promoted for their loyalty and faithful service, and his Majesty perfectly understanding and taking to mind the many good, eminent, and faithful services done and performed to his Majesty and his most royal progenitors by his Majesty's lovit, James Grant of Freuchie, and his predecessors, and specially, that he and his friends and followers have followed the royal standart during the late troubles, under the conduct of the late Marquiss of Montrose, his Majesty's lieutenant, and at all occasions were ready to give obedience to his Majesty's princely commands, and that the said James is chief of the family of Grants, and descended of an very ancient and honourable stock and race, and for the better encouraging him to continue loyal and faithful to his Majesty and his successors in time coming, his Highness being most willing to bestow upon the said James Grant of Freuchie, as an badge and token of his Majesty's royal favour towards him, the titles and

degrees of honor and dignity underwrittin: Therefore his Majesty ordains an letter to be past under his Majesty's Great Seal in due form, making, constituting, and creating, likeas by these presents his Majesty makes, constitutes, and creats the said James Grant of Freuchie, and the heirs-male gotten or to be gotten of his own body, whilks failing, his nearest and lawful heirs-male whatsomever bearing the name and arms of Grant, the title, style, place, order, and dignity of an Earl, and that they be designed, named, and called in all time coming Earls of Strathspey, Lord Grant of Freuchie and Urquhart, with all honors, precedencies, dignities, preheminencies, privileges, immunities and prerogatives whatsomever belonging to an Earl, in the same way and with as free and ample privileges as any other Earl within the kingdom of Scotland uses and enjoys the like dignities, orders, and degrees: To be holden and to hold the said title, degree, style, honor, and dignitie of ane Earl, to be named and designed Earl of Strathspey, Lord Grant of Freuchie and Urquhart, with all privileges, prerogatives, preheminencies, precedencies, and other privileges belonging to the said degree of an Earl and free Lord of Parliament, to the said James Grant of Freuchie, now Earl of Strathspey, Lord Grant of Freuchie and Urquhart, his heirs-male, in all his Majesty's and his successors Parliaments, and other general publick meetings and convention of estates, council, and other private and publick meetings, to have, exerce, and enjoy the privilege of voiceing and other prerogatives of rank, place, and order of an Earl and Lord of Parliament in all things, as any other of the like place, style, and order has bruicked and used in times bygone, or for the present bruiks and enjoys; and that the said James Grant of Freuchie, and his heirs-male foresaids, and every ane of them, be acknowledged, holden, honoured, and reverenced with all honor due and competent to Earls and Lords of Parliament; with command in the said Letter Patent to the Lyon King at Arms and his brethren the Heralds to give and prescrive such additions, suffultors, and cognizance to his arms as is usual in the like cases, and will and ordains the directorie of his Majesty's Chancellarie to write these presents to his Majesty's Great Seal, and his Majesty's High Chancellar to append the same thereto, without passing any other sealls or registers. Quhairanent these presents shall be an sufficient warrand to them for that effect, and that the said letter be extended in the best form with all clauses needful. Given att

275. Testament and Latter Will of James Grant of Freuchie, with Inventory. Confirmed 27th July 1665.

The testament testamentator, inventare, lagacie, and letter will of vmquhill James Grant of Freuquhie the tyme of his deceas, who deceised tested in the month of Septemper j^{m}vj^{c} sextie three yeares, the nominatioune wharof and legacie vnderwrittine was spoken out of the said James his oven mouth, upon the tuentie on day of the said month and yeir of God forsaid, and the inventare of his moovebles and debts restand to him and be him vnderwrittine

is given up be Livtenant-Colonell Patrick Grant, Tutor of Grant, in name of Lodwick Grant, eldest lawfull sone to the defunct, and executare testamentare nominat to him; lykas the intromission vith the goods, geir, and debts, pertaining to the said defunct, is given to the said Livtenant-Colonell Pattrick Grant, in name of the said Lodwick Grant, executar testamentare forsaid.

Inventare.

Item, the said defunct had in his possession pertaining to him the tym of his deceas forsaid, the goods and geir of the availl, quantitie, and pryces respective vnderwrittine, viz., threttie nyn drawing oxen, at threttеen pound six shilling eight penies the peece; inde, fyve hundred and tuentie pounds. Item, seven ky and seven care, at tuelv pounds the peece; inde, four scor foure pounds. Item, six two year olds, at six pounds threttеn shilling four penies the peece; inde, fortie pounds. Item, eight ky wanting calfes, at ten pounds the peece; inde, four score pounds. Item, eight year olds, at four pounds the peece; inde, threttie two pounds. Item, threscore eighteen old nedders, quhairof eight killed befor the Laird went to Elgin, at threttie shillings the [peece]; inde, ane hundred and fyve pounds. Item, fyve work horse, at tuelv pound the peece; inde, three score pounds. Item, two meares and three followeris, and the dinn pouny sold to the Earle of Murray for ane hundred and three score of pounds. Ittem, three old lame horse, not valued in respect of ther insufficiencie, and sine quibus non ther comands for preserving therof till forder order. Item, soven of oats crop j^{m}vj^{c} sixtie three in the mains of Bellach[a]stle and Culchoichmoir, six score and eighteen bolls oats at the third corn, is four hundred and fourteen bolls oats, estimat to six pecks victuall the boll; inde, in victuall, ane hundred fiftie and fyv bolls on firlot, pryce of the boll with the fodder four pounds; inde, six hund[red] tuentie on pounds. Item, soven of bear, tuentie on bolls on firlot at the fourt corn, is four scor ten bolls, pryce forsaid; inde, three hundred and three scor pounds.

Suma of the inventare is two thoussand three score eighteen pounds.

Debts restand to the defunct.

Item, the half of the rent of the defunct lands crop j^{m}v[j]^{c} sextie three yeares, extends to fyv thoussand pounds. Item, . . . M^{c}komas, in Urquhart, nyn pounds. Item, be Donald M^{c}keandoue in Knockeanoch, tuentie three pound six penies. Item, be Paul M^{c}kben in . . . ane thoussand three hundred tuentie three pounds fyve shillin four penies. Item, be Levenard Peddard in Elgin, tuentie three pound six shillin eight penies. Item, be the Laird of Moynes, ane hundred threttie three pounds six shillin eight penies. Item, be Robert Anderson in . . . ten pounds. Item, be John Grant of Conegas, ane hundred threttie three pounds six shillin eight penies. Ittem, more be the Laird of Moynes, ane

hundred threttie three pounds six shillins eight penies. Item, be Alexander Innes in . . . tuentie four pounds. Item, be Agnas Gruvshanks . . . threttie three pounds. Item, be Thomas Grant in Bellamakain, tuentie four pounds. Item, be Agnas Grant, Jon Cruickshanks wyff, fortie pounds. Item, be Donald Cumin of Dushangie, tuentie pounds. Item, be Jon M^{c}kphatrick Vickonell in Knockayndoch, sixteen pounds threteen shillings four penies. Item, be John Gregor in Killantra, ane hundred and fortie pounds. Item, be Patrick in Smidie Croft, tuentie eight pounds threttеen shillin four penies. Item, be Robert Grant, Coremonies son, ane hundred four scor tuo pounds thretteen shillin four penies. Item, be Duncan Grant of [Achna]handet, seven pounds fourteen shillin. Item, be Patrick Grant of Tullegoram, ane hundred threttie three pounds . . . eight penies. Item, be Clure, conform to his bonds, six hundred and three pounds. Item, be Patrick Culchoich, conform to his bond. . . . Item, be John Grant in Gelleway, two hundred pounds. Item, be bonds wheron ther are decreitts, ane thousand three hu[ndred] . . . scor fyftein pounds tuo shillin. Item, be the Lady Marques of Huntley, three hundred threttie three pounds six shillin eight [penies]. Item, be Bedindalloch, elder and younger, ane hundred and fortie pounds. Item, be Kirdels, conform to his disposition to Mr. Jon Grant of the lands of Cirdels . . . mor be him quhich the defunct payed as cautioner to James Nilson, burges of Edinburgh, fortie four pounds. Item, be Archibald Grant of Belnatomb, tuo hundred and fortie pounds. Item, be Robert Grant of Elchis, ane hundred and ten pounds eight shillin ten penies. Item, be Jon Grant of Dallrachnies, fyv hundred pounds. Item, be Patrick Grant of Tullochgoram, four hundred pounds. Item, be Robert Grant of Ochterblair, tuo hundred and tuentie pounds. Item, be Duncan Grant of Port, tuentie merks year[lie] since the Laird's last dischairge. Item, be John Shaw of Dell, nynteen pounds. Item, be John Roy Erskin, conform to his bond and compt, tuo hundred threescor sixteen pounds sevin penies. Item, be the Barron of Kincardin, tuo hundred threescor six pounds thretteen shillin four penies, with the haill bygon annuall rents since anno j^{m}vj^{c} threttie six.

Summa of the debts restand to the defunct is tvelv thoussand on hundred threscor six pounds sixteen shilling ten penies.

Summa of the inventare and debts is fourteen thoussand tuo hundred fortie four pounds sixteen shillings and ten penies.

Debts restand be the defunct.

Item, to James Frazer, burges of Invernes, fyv hundred threttie three pounds six shillin eight penies, and for tuo yeares annualrent therof, three score four pounds. Item, to the aires of the deceasd John Grant of Lurg, ane thousand three hundred threttie three pounds six shillin eight penies. Item, to William Hay, brother to Knochandy, ane hundred pounds. Item, for the bygon annualrents therof, three hundred and threttie pounds. Item, to Doctor Gordon, ane thoussand three hundred threttie three pounds six shillin eight penies. Item,

for the bygon annualrents therof, ane hundred and sixtie pounds. Item, to Livtenant Colonell Villiam Murray, ane thousand three hundred threttie three poundis six shillin eight penies; for the bygon annualrent therof, fourscore of pounds. Item, to Cromartie and Reidcastle be bond, tuo hundred and fyv pounds, more to them for ther expenssis at the last session of Parliament, four score seventeen pounds ten shillin. Item, to Mr. Robert Donaldson, tuo hundred fyftie four pounds six shillin eight penies. Item, for the bygon annualrents therof, tuentie tuo pounds sixteen shillin. Item, to his sister, Marget Donaldson, aught hundred punds; for the bygon annualrents therof, four hundred and four scor pounds. Item, to Marget Grant, lawfull daughter to the deceased James Grant of Gartin, six hundred three score six pounds threeteen shillin four penies. Item, for the bygon annualrents therof, fortie pounds. Item, to Hector Mcklean in Ferines, six hundred three score six pounds thretteen shillin four penies. Item, for the bygon annualrents therof, fourscor pounds. Ittem, to Bessie Hay, relict of the deceased Thomas Mcquein in Pollachale, four hundred pounds. Item, for the annualrent therof, tuentie four pounds. Ittem, to the deceised Mr. David Stewart, his relict, six hundred threescor sex pounds thretteen shillin four penies. Item, for the annualrent therof, fourtie pounds. Item, to James Hay in Kelles, four hundred sixtie six pounds thretteen shillin four penies. Item, for the bygon annualrent therof, sixtie six pounds. Item, to Elspet Spense, relict of the deceased Duncan Grant in Glenlatroch, eight hundred pounds. Item, for the annualrent therof fortie eight pounds. Item, to Elspet Lesly, relict of the deceased James Grant Mckeanriach, seven hundred and fiftie poundis; for the annualrents therof, fortie fyv poundis. Item, to Nicolas Brody, burges of Elgin, sex hundred sixtie sex pounds thretteen shillin four penies. Item, for the annualrent therof, tuentie poundis. Item, to Provest Cumin, ane thoussand tuo hundred four score thretteen poundis sex shillin eight penies; fore the annualrent therof, ane hundred fiftie fyv pounds four shillin. Item, to his son, the new provest, sex hundred three score sex poundis thretteen shillin four penies. Item, for the annualrent therof, fortie poundis. Item, to Arcandie, tuo thoussand ane hundred and sexte poundis; for the annualrent therof, ane hundred tuentie nyn poundis tuel shillin. Item, to Humilitie, thre hundred and four score poundis. Item, to George Tailor in Ardneidle, thre hundred threttie three poundis six shillin eight penies; for the annualrent therof, tuentie poundis. Item, to Kempcarne, tuo hundred poundis; for the annualrent therof, tuelv poundis. Item, to Kea and Boyd, tuo merchants in Edinburgh, seven hundred and eighteen pounds sixteen shillin. Ittem, to Georg Stewart of Oldham, two hundred and tuelv [poundis] eight shillin. Item, for the annualrents therof, nyn poundis. Item, to Thomas Moncreiff, ane thoussand and four hundred poundis. Item, for the bygon annualrent therof, three[score] seventeen poundis. Item, to Mr. John Bain, three hundred threttie three poundis six shillin eight penies. Item, to James Abernethie, ane hundred and on poundis eight shillin four penies. Item, to Andrew Sibbald, litster in Aberdeen, ane hundred threttie

three poundis. Item, to Jon Stewart in Cirmachlie, three hundred threttie three poundis sex shillin eight penies; for the annualrents therof, sextie poundis. Item, to Neill Grant in Fetterletter, tuo hundred three score six poundis thretteen shillin four penies. Ittem, to the deceased George Grant, six hundred thre scor sex poundis thretteen shillin four penies. Item, for the annualrents therof, fortie poundis. Item, to James Grant in Glenbruce, sex hundred three scor sex poundis thretteen shillin four penies. Item, for the annualrent therof, fortie poundis. Item, to Patrick Narne, ane thoussand poundis; for the annualrent therof, ane hundred tuentie poundis. Item, to the deceasd Robert Grant of Glenbegge his relict, tuo thoussand poundis; fore the annualrent therof, tuo hundred and fortie poundis. Item, to Mr. John Grant of Achrose, ane thoussand thre hundred threttie thre poundis 6s. 8d. Item, for the annualrent therof, four score poundis. Item, for tuo yearis few dutie of the chaplanries of Knockaynoch, thretie seven poundis 6s. 8d. Item, to Gregor Grant in Lethindie, sex hundred thre score six poundis 13s. 4d. Item, for the annualrent therof, fortie poundis. Item, to the deceasd Robert Lauson his relict, fyv hundred threttie three poundis 6s. 8d. Item, for the annualrent therof, threttie tuo poundis. Item, to William Grant in Tullochcrumbran, sex hundred three score sex poundis thretteen shillin 4d.; for the annualrent therof, fortie poundis. Item, to Patrick Grant, lawfull son to John Grant of Galdvall, aucht hundred poundis. Item, for the annualrent therof, four scor sixteen poundis. Item, to Patrick Grant, now in Galduall, ane thoussand three hundred threttie three poundis 6s. 8d.; for the annualrent therof, four scor poundis. Item, to Thomas Gordon of Clesturam, ane thoussand poundis; for the annualrent therof, sixtie poundis. Item, to Robert Grant in Miltoun of Mubrath, sex hundred sextie sex poundis 13s. 4d.; for the annualrent therof, fortie poundis. Ittem, to Livtenant-Colonell Patrick Grant, sex hundred sextie sex pound thretteen shillin 4d.; for the annualrent therof, four scor poundis. Item, to David Stewart, merchantt in Elgin, tuo hundred poundis. Item, to James Anderson, burges ther, ane hundred and four poundis 16s. Item, to Isobell Burnet ther, ane hundred four scor four poundis 18s. 4d. Item, to Jon Ogilvie for bygon cesse, ane hundred fortie poundis; more to him for bygon excyse, three hundred fortie three poundis 16s. 4d. Item, of deficient money, sixteen pound tuelv shillin. Ittem, to the defunct's daughter, Anna, tuelv thoussand poundis. Ittem, to his daughter, Marie, aught thoussand poundis. Ittem, to his daughter, Margret, four thoussand poundis. Ittem, to John Tulloch in Nairn, two thoussand poundis. Item, for the bygon annualrent, ane hundred and tuentie poundis. Ittem, to the Tutor of Invereshe, two thoussand sex hundred sextie sex poundis 13s. 4d.; for the annualrent therof, four hundred and eightie pound. Item, to Mr. Patrick Glasse, two hundred and thretteen pound 3s. 4d. Item, to the Earle of Murray, for the few duty of Abernethie, ane hundred and sextie poundis. Ittem, to Allan Grant, alias M^{c}Jokie, sex hundred three score sex poundis 13s. 4d. Item, to the Bishop of Murray, of bygon few duties, ane hundred

tuentie tuo poundis 8s. 8d. Item, to the Exchequer, of few duties, on hundred fiftie on poundis 16s. 8d. Item, to Swin Grant in Bellintomb, two hundred poundis. Item, for the few dutie of the Bridgetoune of Spey, eight poundis. Item, to John Lowson, ane thoussand three hundred threttie three poundis 6s. 8d. Ittem, for the annualrents therof, four score poundis. Ittem, to the town of Elgin, for the bygon few duty of Cirdels, ane hundred poundis. Ittem, to John Grant in Lettoch, ane thoussand three hundred threttie three poundis 6s. 8d.; for the bygon annualrents therof, three hundred and tuentie pounds. Item, to the pypper, for his pension, threttеen pound sex shillin 8d. Ittem, to the glasse wright, for two years pension, fiftie three poundis 6s. 8d. Ittem, to the sklaitter, for a yearis pension, tuentie poundis. Ittem, of servants fies, four hundred fortie on poundis 7s. 4d. Item, to James Troup, for tuo years pension, sexteen poundis threttеen shillin 4d. Ittem, to the smithes of Elchies, Cromdalle, Inverallen, and Duthell, four scor poundis. Item, to the deceisd James Megreiger his relict, four hundred sextie sex poundis 13s. 4d. Ittem, for a yearis annualrents therof, tuentie eight poundis. Ittem, of bygon taxatiounes, sex hundred poundis. Ittem, to John Packman fortie six poundis 13s. 4d. Item, to Thomas Grant, for casting the proofs for four yeares, sextie sex poundis 13s. 4d. Ittem, to the gardner, for his weeklie bolls victuall, threttie three pound 6s. 8d. Ittem, to Alister Roy, shepherd, threttie poundis 6s. 8d., and ane boll meall, pryce four poundis. Ittem, to Alexander Davidson, for ane yearis pension, ten poundis. Ittem, to Jon Cook, forman, ten poundis. Ittem, to the Bishop of Murray, be bond, ane hundred and tuentie poundis. Ittem, to Walter Douglas, tuentie poundis.

Summa of the debts restand be the defunct, is three score tuelv thoussand fyv hundred four score eleven poundis three shillin.

Debita excedunt bona.

Legacie and Letter Will.

I, James Grant of Frewchie, being for the present sick and infirm of body bot of perfect memory and vnderstanding, knowing that ther is nothing mor certain then death, and yet the tyme and hour therof alvayes vncertain, and being desyrous to dispose of my worldly effeires, so that I may be the more ready to attend the good pleasure of the Almightie when it shall please him to call me from this mortall lyfe to his eternall glory, purchased by the merits of Jesus Christ, my Savior, I doe make my letter will as followes: Imprimis, I nominat and leav my eldest son, Lodvick Grant, and falieing of him be deceas, my second son, Patrick Grant, to be my sole executor, legator, and vniversall intromettor vith my heall goodis and geir and debts, both vticels and domicels, with full power to him, be himself and his tutoris vnder named, in his name to giv up inventare and confirm testament as accords, and my debts and legacies efter specified being first satisfied and payed, to apply and dispose of the supperplus of the saidis moovables for the use and behoof of my said sone and his forsaidis. Item,

I leav to my daughter, Anna Grant, the soum of eighteen thoussand merks Scotts, and to my second daughter, Marie Grant, the soum of tuelv thoussand merks, and to my youngest daughter Margret the soum of sex thoussand merks mony forsaid, conform to the particular bandis [of] provision granted be me to them theranent. Ittem, I nominat and leav the Right Honorabill John Earle of Rothes, etc., his Majesties High Comissioner and High Threasurer of this kingdom, James Archbishop of St. Andrews, Alexander Earle of Murray, etc., Keneth Earle of Seaforth, Alexander Lord Duffus, Sir Georg Mckenzie of Tarbet, knight, Thomas M^cKenzie of Pluscarden, John Grant, elder of Bedindalloch, John Grant of Moynes, Alexander Ogilvie of Kineardin, my uncle, Pattricke and Mungo Grants, my brotheris, Alexander Grant of Alachie, James Grant of Acherniek, John Grant of Gartinmore, Svein Grant of Garteenbegg, or any fyv of them (the saidis Earles of Rothes, Archbishop of St. Andrew, Earle of Murray, Lord Duffus, and John Grant of Moynes, or any three of them, being alvayes sine quibus non), to be tutores and administratores to my saidis children during ther pupillarity, humbly heerby requesting my said noble freinds to take and accept in and upon them the said office and administratioune. Ittem, it is my vill, and I doe leav my eldest son Lodvick, and failing of him be deceas, my second son Patrick, to the said noble Earle, John Earle of Rothes, to be educat and broght up uith his Lordship, and as he shall please to dispose, on my saidis sons oven chairges and expensis. Ittem, I leav and bequeath the legaces efter mentioned, viz., to my eldest son Lodvick, and failing of him be deceas, to his brother Patrick, my best dymond ring and nearing rings; and I bequeath the heall rest of my jewellis pertaining to me or my vmquhill lady, excepting my silver plate, in mauer following, viz.: Tvo parts therof to my said eldest daughter Anna, and the third pairt therof to my second daughter Marie, provyding they take and accept the samen in satisfactione of any pairt of ther said provisions and portionis at the rates following, viz., the said tuo pairt to four thousand merks, and the third pairt to tuo thoussand merks Scots. Ittem, I leav to James Grant, [son to] Mr. John Grant of Achrosk, the soume of fyv hundred merk Scots, and it is my vill the said Mr. John Grant be continowed efter my deceas still in his chairge and service, and that he enjoy and brook his vsual fies and casuallities that he had in my lyftym. Item, I doe leav and bequeath to my sister Lilias Grant, and the aires of her owen body, the sowm of fyv thoussand pound Scots, and failing of her be deceas or vithout aires of hir oven body, or if she deceas unmaried, that the said sowm return to me and my aires. Ittem, to the said Mungo Grant, my brother, the soum of ane thoussand pound Scots. Ittem, to George Grant, my brother, ane thoussand merks Scots. Ittem, to Duncan Grant, my servitor, fyv hundred merks Scots by and attour what I gav to him or assigned to him. Ittem, to John M^cGrigor in Kilantra, fiv hundred merks mony forsaid. Ittem, to Mr. Alexander Grant in Miltoune of Bellachsle, three hundred merks Scots. Ittem, to Thomas Grant, my brother, ane thoussand merks forsaid. Ittem, to William Moir, messenger, ane hundred merks money forsaid. Ittem, to George Gregor, my servitor, fyv pound Scots mony. Ittem, to Donald

Grant, my servitor, ane hundred . . . Scotts mony. Ittem, anent my brother Alexander it is my vill, and that in caise the said Alexander shall pay the last tuo yeares ordinar duties of the lands pertaining to me, and violently possessed be him, of the crop j^{m}vj^{c} sextie two and sextie three yeares, with the duty j^{m}vj^{c} sextie four, that he be dischairged of what farder I can crav of him, provyding he remoov peacibly vithout forder proces, and leav the ground red at Whitsonday next, or uthervise this present ease and favor to be void [and] no uayes extended to him bot he pursued to the riggor as accordis. Ittem, I leav the poor of the respective parishes of Duthell and Cromdale fortie pound Scots; and lastly, I leav my said three daughteris to be disposed of, both as to ther mariage and education, to my noble freinds or tutoris afforenamed, or coram of them, nhose advyse they shall follou as they vill desyr my blessing. And this my letter will and testament, to all and sundry whom it effeirs, I ratifie and make knouen by thir presents, vrittine be M^{r} John Bayn, Writter to his Majestie's Signet, and subscriuit with my hand, at Edinburgh, the year of God j^{m}vj^{c} three scor three yeares, befor thir witnessis, Sir Alexander Abereromie of Birknbooge, Georg Stewart, advocat, and the said M^{r} John Bayn. Sic subscribitur, James Grant off Freuqchie, S^{t} Andrews accepts, Rothes accepts, Morray accepts, Seaforth accepts, Duffus accepts, Georg M^{c}Kenzie accepts, Alexander Ogilvie accepts, John Grant accepts, Mungo Grant accepts, Georg Grant accepts, P. Grant accepts, James Grant accepts, J. Grant accepts; Abererombie, wittnes; Georg Stewart, wittnes; M^{r} John Bain, wittnes.

Confirmatione.

David Stewart, Commissar of Murray, be tenor heerof, ratifies, approves, and confermes this present testament testamentare and inventare abovwrittine, in swa farr as the samyn is truly given up, nothing omitted forth thereof, non sett vithin the just availl therein contained, and gives the intromission, with the forsaid goods, geir, and debts, to the said Livtenant-Colonell Patrick Grant, in name of the said Lodvick Grant, executor testamentare forsaid, and as on of his tutoris, vith full power to him to mell and intromett thervith (becaus John Grant, fiar of Moynes, and John Ogilvie of Kempcarne, became bound and oblesd, conjunctly and severally, for him, that the goods and geir abovwrittin shall be furtheomand to all persones havand entres thereto as law vill, and the said Livtenant-Colonell Patrick Grant, executour in name forsaid, becam oblest for his said cautioneris releiff, as ane band granted and subscryved be them theranent, of the datte of thir presents, in itself bears), reservand compt and reckoning to be made be the said Livtenant-Colonell Patrick Grant, executare in name forsaid, of this intromission as accords of the law. Gevin vnder the seall off the office at Elgine, the tuentie sevent day of July 1665.

Extractum per me.

Eik to Testament of James Grant of Frenchie. Confirmed 1st January 1677.

The testament datiwe and inventar of certane soumes of money restand to wmquhill James Grantt of Frewchie the tyme of his deceas, who deceased in the moneth of September j^{m}vj^{c} and sextie thrie years, omittit and left furth of his principall confermed testament testamentar, and eiked and giwen wp be Ludovick Grant, now of Frewchie, his eldest lawfull sone and executor testamentar nominat and confermed to him in the said principall confermed testament.

Inventar.

The said Ludovick Grant, executor forsaid, eikes and giwes wp restand to the said vmquhill James Grant of Frewchie, for himselfe, and othervays representing the deceased Sir John Grant of Frewchie, his father, be Alaster Grant, somtym in Vestertulloch, four hundred and thrie scoir merks money principall, with certane aunualrents and liquidat expenssis contained in ane bond grantit be the said Alaster to James Gibson, advocat, dated the fyfteinth of Februarie 1633, assigned be the said James Gibson to the said Sir John Grant, conform to his assignatione, dated the said fyfteinth day of Februare and year of God forsaid. Item, be John Grant of Glenmoristoune, tuo thousand ane hundred thrie scoir ten merks of principall, with penaltie and annualrent contained in ane decreit obtained be the said vmquhill James Grant of Frewchie against the said Jon Grant, befor the comissioners for administration of justice for ye tyme, of the date the thretteinth of December 1655. Item, be John Grant, tutor of Glenmoristoune, and Hugh Fraser of Foyars, cautioner for him, conjunctllie and severallie, tuo thousand and tuo hundred merks of principall, with ane other thousand merks incurred thorow not tymous payment of the said principall soum, in maner contained in ane bond grantit be the said principall and cautioner to the said vmquhill James Grant of Frewchie, containing penaltie and annualrents, dated the elevinth of May 1652 yeirs. Item, restand be vmquhill Gilbert Barclay, somtym chalmerlane of Mulben, to the said vmquhill James Grant of Frewchie, the soume of ane thousand and fourtie punds.

Summa of the inventar abowwrittin extends to the soume of four thousand nyn hundred and tuell punds xiij s. iiij d., besyds annualrents and penalties.

Nulla divisio.

Confirmatione.

Dawid Stewart of Newtoun, Comissar of Morray, be the tenor heirof ratiffies, approwes, and conferms this present testament datiwe ad omissa and inventar abowwrittin, in so far as the same is trulie given wp, nothing omittit furth thereof, and giwes the intromissione, with

the soumes of money, principallis, annualrents, and liquidat expenssis abowwrittin, omittit and left furth of the said vmquhill James Grant of Frewchie, his principall confermed testament testamentar in maner abowspecifiet; to the said Ludovick Grant, now of Frewchie, his eldest lawfull sone and executour testamentar forsaid, with full power to him to midle and intromett therewith, call and persew for the same (becaus Gavin Stewart in Bellivet became bound and obleist, as cautioner and suretie for him, that the abowwrittin soumes off money shall be furthcomand to all persons hawand entres thereto as law will: lykeas, the said Ludovick became obleist, for his said cautioners releiffe, as ane obligation made theranent of the date of thir presentts in itselfe at more lenth proports), reservand compt and reckoning to be made be the said executour of his intromission as accords of the law. Giwen at Elgin, the first day of Januare 1677.

DAUID STEWART, Comr.

276. BOND by ROBERT GRANT of Auchterblair to keep the peace towards DUNCAN GRANT of Mullochard. 15th July 1675.

I, ROBERT GRANT of Auchterblair, by thir presents, bind and obleis me by the faith and truth of my bodie, and my aires, executours, and successours, to the right honourabill Ludovick Grant of Freuchie, my cheif, to stand to and abyde at the peace of the country; and also that Duncan Grant of Mullochard shall be harmeles and skaithles in his bodie, wyf, bairnes, servants, familie, cattell, goods, and gear, of me, my wyf, bairnes, servants, and vthers, of my causeing, huuding furth, ressett, assistance, or ratihabitione, whom I can anywayes hinder, stop, or lett vtherwayes then by order of law; and also I bind and obleis me that I my self shall carie and behave my self, and shall cause my wyf, bairnes, servants, and vthers foresaids carie and behave themselves soberlie, civillie, and laufullie towards the said Duncan, his wyf, bairnes, and vthers forsaids; and that I nor my forsaids shall not vse any opprobrious or wncivill words, speich, or language to the said Duncan and his forsaids, wherin if I faillie or doe in the contrar, I bind and obleis me and my aires, executours, and successours to content and pay to the said Ludovick Grant the sowme of ane thowsand pounds vsuall Scots money in caice of faillie by and attour any sowmes of money which shall be dew in caice of faillie to the said Duncan by law, for any damnadge which shall happen to be done to him: Consenting for the mair securitie to the registratioun heirof in the bookes of Counsall and Session, or in any vther competent register within this kingdom, to have the strenth of ane decreit of any of the Judges thairof interponed heirto, that all letters and executorialls necessar may pass heirvpon in forme as effeires; and to that effect I constitute

my procuratours, promitten. de rato, etc. In witnes wherof, writtin be John Donaldsone, servitor to the said Ludovick Grant, I have subscryved thir presents with

my hand att Mullochard, the fyftein day of Julij j^mvj^c thriescoir fyftein yeires, befor these witnesses, Mungo Grant of Kinchirdie, James Grant of Clurie, Sueyne Grant of Gartinbeg, James Grant of Auchernich, Robert Grant in Tullochcruiben, Patrick Grant of Miltoun, and the said John Donaldsone.

ROBT. GRANT.

J. Donaldsone, witnes.
Robert Grant, witnes.
Patt. Grantt, wittness.
James Grant, witnes.

Moungo Grant, witnes.
Ja. Grant, witnes.
Swoyne Grant, witnes.

[A reciprocal bond in the same terms and of the same date is given by Duncan Grant of Mullochard, to keep the peace towards Robert Grant of Auchterblair.]

277. DECLARATION by DONALD M^cCOILL MUIL respecting the horses stolen from DUNCAN M^cEAN in Ballintome. 5th February 1676.

The confessione and declaratione of Donald M^cCoill Muill, now servitor to M^cAndro, tayleor in Laggan Finlarge, anent the horses which wer stollen in the letter end of August last from Duncan M^cEan in Bellintome, and Roy in Bellintruan, made and given vp by him out of his owin mouth, and subscryved by his hand as followes, att Bellachastell, the fyfth day of Februarii j^mvj^c thriescoir sixtein yeires.

I, the said Donald M^cCoill Muill, testifie and declair that M^cGillivrae in and M^cCoirlebuy, his servant, haveing mett me in Invernes about the fyftein day of August last, did speak with me and brought me back to Strathspey, and wee all came togidder to Alexander King, merchant in Bellintome his house, and I left the saidis M^cGillivrae and M^cCoirlebuy ther, and went to Abernethie and stayed ther a night, and came back the nixt day to them at Bellintome, wher they mett me neir the boatt, and Duncan M^cEan being att the mylne, wee all went togidder to Craignahuiller and the bush of Glenbeg, callit Presh Cruine, and ther stayed eight dayes, and the said Alexander King furneished them meatt all the tym; and I, befor I went to Abernethie, came to the said Alexander and bought a plakes worth of snishing, and gave him a thrie shilling peice, quhich he changed and gave me the small money; and efter wee all, the saidis M^cCoirlebuy and M^cGillivrae and I, had stayed the saids eight dayes in Craignahuiller, the said M^cGillivrae parted with me and the said M^cCoirlebuy, and trysted ws to meitt him att the rod quhich leads from the Boat of Bellifurt to Gaich, vpon the said day of August; and efter wee had stayed ther a litle whyle, the saids M^cGillivrae and Alexander King came

to ws with the saidis tuo horses, one quhairof did belong to the said Duncan McEan, and the vther to the said Roy; and I haveing asked the said McGillivrae who it was that was with him, whither it was Alexander King or not, once or tuise he desyred me to be silent, neither did the said King speak any thing to ws himself, but tyed vp thrie bannockes and tuo half keabbockes of cheise in hearrop, and delyvered the same to them, and so left ws, and wee went streight one all the night till wee came to the shealling of the lymekilles, wher wee satt doune neir about day light to rest ws, and did eat some of the bread and cheise, and ther took out the tobacco quhich wee gat from the said King, and parted the same among us thrie, and therefter I went with them to the strype at the east end of Lochindorb, wher I parted and left the saidis McGillivrae and McCoirlebuy, and did not sie them since that tym; and the haill premisses I frielie and without compulsione confess, testifie, and declair to be of treuth and veritie by God himself, and as I shall answer to God, by these presents, writtin be John Donaldsone, servitor to the Laird of Graut, and subscryved by me with my hand as followes, day, yeir, moneth, and place forsaid, befor these witnesses, William Grant of Lurg, Gavin Stewart, servitor to the said Laird of Grant, Duncan McGregor in Keathack, James Robertsone in Bellintome, and severall vtheris.

Ita est ego Joannes Donaldsone, notarius publicus, de mandato dicti Donaldi McCoilmuill, scribere nescientis ut asseruit calamumque manu tangentis, subscribo testantibus his meis signo et subscriptione manualibus rogatus et requisitus.

W. Grant, wittnes. J. DONALDSONE, N.P.
Gavin Stewart, witnes.

278. EXTRACT LETTER by KING JAMES THE SEVENTH to the PRIVY COUNCIL to release Ludovick Grant of Freuchie from fine imposed by their Commission of Justiciary in the Northern Shires. Letter dated 9th January 1686.

Edinburgh, the second day of Febriwary 1686.

THE which day, the letter underwritin, direct from the Kings most excellent Majestie to the Lords of his Majesties Privy Councill, being read in councill, was ordered to be recorded in their books, and extracts thereof to be delivered and subscribed by their clerks to the effect theirin mentioned, off whiche letter the tenour follows. Sic suprascribitur, James R. Right trusty and right welbeloved cousin and councillour, right trusty and enteirly beloved cousins and councellours, right trusty and welbeloved cousins and councellours, right trusty and welbeloved cousins and councillours, right trusty and welbeloved councellours, and trusty and welbeloved councellours, wee greett you well. Whereas the Earle of Erroll, the Earle of Kintore, and Sir George Monro of Culrain, who latly hade a commission of justiciary from you within the northern shires, did by their sentence, bearing date at Elgine, the eleventh of Febriwary last by past, fine and amerciate the Laird of Grant, for his own and his

Ladyes delinquencies, irregularities, and disorders, in the soume of fourty tuo thousand and five hundreth pounds Scots money, in maner therein fullie containd, which thereafter was ratified and approved by you. And whereas there is ane humble application made unto ws by the said Laird of Grant, giveing assureance of his regular behaviour for the future, and representing not only the constant loyaltie of his predicessours, who upon all occasiones did formerlie adhere to the intrests of the crown, but also his own zeale and forwardnesse against the rebells at Bothwelbridge in the yeir 1679, and likewise against those who were joined in the last rebellion with the late Earle of Argyle, against whom he brought a considerable number of men, and mantained them all the tyme they were from home at his own charges. Off all which wee being very well informed, and being upon these considerationes graciously resolved to extend our royall favour and bounty towards him, whereby he may be the better enabled to render acceptable service unto us when there shall be occaission for his so doeing, wee have now thought fitt to exoner and discharge, lykeas by these presents wee doe freely exoner and discharge him, the said Laird of Grant, of the said fine of forty tuo thousand and five hundreth pounds Scots money, mentioned in the said sentence, and the penaltie therein exprest, in as full and ample maner as if the same hade never been imposed upon him, nor the said sentence pronounced against him. And therefore it is our will and pleasure, that no processe or persuite whatsoever be moved or intented against him or his for the said fine or penalty, or any pairt thereof, but that he and they be fully liberated and discharged of the same in all time comeing, and of all the crimes and guilt whereupon the said sentence was founded. And it is our further will and pleasure that these presents be recorded in your books, and that authentick extracts thereof be given to him or others in his name, as he or they shall have occaission to desire the same for preventing his being hereafter anywayes troubled or molested for the said fine or penalty, or any pairt thereof, or any of the crimes or guilt aforsaid. For doing whereof, this shall be to you and all others respectively who may be therein any way concerned a sufficient warrant. And so wee bid you heartily farewell. Given att our Court att Whitehall, the nynth day of January $168\frac{5}{6}$, and of our reigne the 1st year. By his Majesties command. Sic subscribitur, Melfort. Extracted furth of the Records of Councill by me, Mr. Coline M^{c}Kenzie, clerk to his Majesties Privy Councill.

Colin M^{c}Kenzie, cl^{s} S^{ti} Concilii.

279. Obligation by the Clan MacPherson to preserve the chieftainship in the Clan. 1689.[1]

Wee, undersub[scr]ivers, considering that Duncan M^{c}Pherson of Cluny, our present cheife, is of full purpose and resolution to talzie not onlie his whole estate, but also the representa-

[1] Original at Ballindalloch.

tion of us, and all others our kinsmen, by his ryteous air maill, with his daughter to a stranger, and that without all peradventure our ruine is thereby threatened, if God Almytie by ane inteir union amongst our selves doe not prevent the same, doe heirby declair and swear vpon our great oath, that we shall not own nor countenance any person as the said Duncan McPherson his representative, and falyieing aires maill of his bodie, excepting William McPherson of Nuid, who is his true lineall successor, and the aires maill of his bodie, quhilks falyieing, the aires maill quhatsomever, and sna forth successivelie, and that we shall to the outmost of our power assist and mantain the said William and his forsaids in attaining and possesseing the said estate by all just means imaginable; and furder, that we, the saids undersub[scr]ivers, and in particular, I, the said William McPherson, shall second, assist, and mantain one ane other in all our just and ryteous interests against all mortall, his Majestie and his auctoritie and our respective superioris being excepted. And we bind and obleidge us to fullfill and perform the premisses, under the paine of infamie. In witnes quhairof, we have subscrivit thir presents (writtin be John McPherson, writer in Edinburgh) with our hands, at Beanchar, and the fourteen dayes of jmvjc and eightie nyne years.

Wm. McPhersone of Noid.
D. McPhersone, yor of Invertromie.
A. McPherson, Pitmean.
Ja. McPhersone in Raits.
Ja. McPherson of Balachroan.
Alexr. McPherson of Phones.
Mur. McPherson of Clun.
James McPherson, Invernahaine.
John McPherson of Coronach.
Jo. McPhersone of Bencher.
McPhersone, yor of Kyllihuntly.
John McPhersone in Strone.
J. McPherson in Beille.
Will. McPhersone, brother to Invereshie.
E. McPhersone, brother to Benchar.
Will. McPherson in Cloon.

280. Act of Parliament in favour of Ludovick Grant of Freuchie, establishing fairs in the Laird's possessions. 15th June 1693.

Att Edinburgh, the fifteenth day of June jmvic and nyntie three yeares, our Soveraigne Lord and Ladie the King and Queens Majesties, and Estates of Parliament, takeing to their con-

sideration that it will be necessarie and convenient for his Majesties subjects and inhabitants within the shires of Inverness and Murray, that there be free faires and ane weeklie mercate holden at the places followeing, whereunto all their Majesties subjects may resort for buying and selling of bestiall, and all sorts of merchant commodities whatsumever that shall be brought thereto be any persones: Therefore their Majesties, with advyce and consent of the saids Estates of Parliament, doe allowe to Lodovick Grant of Freuchie ane free fair at the Kirk of Kyllemoir in Urquhart, within the shire of Innerness, the last Tuesday of August yearlie, to be called Lovis Faire; as also another free fair to be holden there yearly, the day of November, to be called Lady Fair, and sicklyke ane yearly fair at Bellachastell, within the said shire of Inverness, the last Tuesday of Apryle yearlie, to be called Grantoune Fair; as also another fair at Bellachastell the third Tuesday of August yearelie, to be called Castle Fair; and likewayes ane free Fair at the kirk of Duthell, within the shire of Murray, upon the first Tuesday of June yearelie, to be called Bettie's Faire; as also ane yearlie faire at Abernethie, within the shire of Murray, upon the sixteenth day of November yearly, to be called Katherin's Faire, and sicklyke ane weeklie mercate at Bellachastall one each Friday of everie weeke. And their Majesties, with advyce and consent forsaid, give and grantt to the said Lodovick Grantt the haill tolls, customes, emoluments, profits, and dueties belonging, or that by the lawes and practiques of this realme belongs or appertaines to any in the like caices, to be collected and ingathered be him, his tacksmen, servants, or collectors, to be appointed be him for that effect. Extracted furth of the Records of Parliament by George Viscount of Tarbat, Lord M^cLeod and Castlehaven, clerk to the Parliament and to their Majesties Councill, Exchequer, Registers and Rolls.

TARBAT, Cl. Reg^r.

281. LETTER OF PENSION by JAMES EARL OF PERTH to SIR JAMES GRANT of Dalvey, to conduct his legal business. 15th July 1693.

WE, James Earle of Perth, Lord Drumond and Stobhall, etc., considering that Sir James Grant of Dalvey, advocat, is a very knoweing, fitt, and weell qualified person to be imployed as ane advocat for us in all our effairs and processes at law, and being fully persuaded of the said Sir James his integritie and earnestness for our intrest, and the good and weel of our familie and esteate, therfor, and for his encouradgment, we heirby give and grant to the said Sir James, ane yearly pension of tuo hundereth merks Scots money, which we heirby declair to have comenced and begune at the feast and terme of Whitsunday last j^mvi^c nyntie three years, and therafter to continoue and endure in tyme comeing ay and whill we recall the samen by ane particullar writ signed with our oun hand; and heirby we bind and obliedge us and our aires, executors and successors, and alse all persons intrusted be us as commissioners for manadgeing our effairs and esteate, and uplifteing the rents of the same, to

make good and thankfull payment to the said Sir James Grant of the forsaid yearly pension of tuo hundereth merks money forsaid, and to make the first year's payment therof att the feast and terme of Whitsunday j^m^vj^c nyntie four years, for the year preceeding, and so furth yearly at the forsaid terme; and for that effect we heirby grant power and warrand to our factors and chamberlands to doe the same, ay and whil we recall this our present letter of pension by ane particullar writ under our oun hand allenarllie, as said is. In wittnes wherof (written be William Jackson, servitor to the said Sir James Grant of Dalvey, advocat), we have subscryved thir presents, att Drumond Castle, the fyfteenth day of Jully j^m^vj^c nyntie three years, befor thir wittnesses, James Hay of Caruber, wretter to the signet, and the said William Jackson, wretter heirof.

J. Hay, witnes. PERTH.

William Jackson, wittnes.

282. PATENT by QUEEN VICTORIA creating JOHN CHARLES EARL OF SEAFIELD Baron Strathspey of Strathspey, in the United Kingdom. Dated at Westminster, 14th August 1858.

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, to all Archbishops, Dukes, Marquesses, Earls, Viscounts, Bishops, Barons, Knights, Provosts, Freemen, and all other our officers, ministers, and subjects whatsoever, to whom these presents shall come, greeting: Know ye that we of our especial grace, certain knowledge, and mere motion, have advanced, preferred, and created our right trusty and right well-beloved cousin, John Charles Earl of Seafield in that part of our United Kingdom of Great Britain and Ireland called Scotland, to the state, degree, dignity and honour of Baron Strathspey of Strathspey, in our counties of Inverness and Moray, and him, the said John Charles Earl of Seafield, Baron Strathspey of Strathspey aforesaid, do, by these presents, create, advance, and prefer, and we have appointed, given, and granted, and by these presents, for us, our heirs and successors, do appoint, give, and grant unto him, the said John Charles Earl of Seafield, the name, state, degree, style, dignity, title, and honour of Baron Strathspey of Strathspey aforesaid, to have and to hold the said name, state, degree, style, dignity, title, and honour of Baron Strathspey of Strathspey aforesaid unto him, the said John Charles Earl of Seafield, and the heirs-male of his body lawfully begotten and to be begotten; willing, and by these presents granting, for us, our heirs and successors, that the said John Charles Earl of Seafield, and his heirs-male aforesaid, and every of them successively, may bear and have the name, state, degree, style, dignity, title, and honour of Baron Strathspey of Strathspey aforesaid, and that they, and every of them successively, may be called and styled by the name of Baron Strathspey of Strathspey, in our counties of Inverness and Moray, and that he, the said John Charles Earl of Seafield,

and his heirs-male aforesaid, and every of them successively, may in all things be held and deemed Barons Strathspey of Strathspey aforesaid, and be treated and reputed as Barons, and that they, and every of them successively and respectively, may have, hold, and possess a seat, place, and voice in the Parliaments and public assemblies and councils of us, our heirs and successors, within our United Kingdom of Great Britain and Ireland, amongst other Barons as Barons of Parliament and public assemblies and councils; and also that he, the said John Charles Earl of Seafield, and his heirs-male aforesaid, may enjoy and use, and every of them may enjoy and use, by the name of Baron Strathspey of Strathspey aforesaid, all and singular the rights, privileges, pre-eminences, immunities, and advantages to the degree of a Baron in all things duly and of right belonging, which other Barons of this our United Kingdom of Great Britain and Ireland have heretofore honourably and quietly used and enjoyed, or as they do at present use and enjoy: Lastly, we will, and by these presents, for us, our heirs and successors, do grant to the said John Charles Earl of Seafield, that these our letters-patent, or the inrolment thereof, shall be sufficient and effectual in the law for the dignifying, investing, and really ennobling him, the said John Charles Earl of Seafield, and his heirs-male aforesaid, with the title, state, dignity, and honour of Baron Strathspey of Strathspey aforesaid, and this without any investiture, rites, ornaments, or ceremonies whatsoever in this behalf due and accustomed, which, for some certain reasons best known to us, we could not in due manner do and perform, any ordinance, use, custom, rite, ceremony, prescription, or provision due, or used, or to be had, done, or performed in conferring honours of this kind, or any other matter or thing to the contrary thereof notwithstanding: we will also, and by these presents grant to the said John Charles Earl of Seafield, that he may and shall have these our letters-patent duly made and sealed under our Great Seal of our United Kingdom of Great Britain and Ireland, without fine or fee, great or small, to be for the same in any manner rendered, done, or paid to us in our Hanaper or elsewhere to our use. In witness whereof, we have caused these our letters to be made patent. Witness ourself at Westminster, the fourteenth day of August, in the twenty-second year of our reign.

By warrant under the Queen's sign manual.

C. Romilly.

ABSTRACT OF GRANT CHARTERS NOT PRINTED.

283. Notarial Transumpt made by Henry Clerk, presbyter of the diocese of Dunkeld, notary, at the instance of Mr. Gilbert Hay of Vry, of certain letters of agreement or public instrument under the seals of Duncan Makintosche, and Sir Alexander Dunbar of Westfelde, and Sir James Ogilby of Delfurde [Deskfurd], knight; which agreement was entered into on the 10th of October 1476, in presence of George Earl of Huntly, Lord Gordone and Baidienacht, and the notary and witnesses, between honourable men, Duncan Makintosche, Captain of the Clanequhatane, and Lachlan M°Kintosche, his brother-german, on the one part, and Alexander M°Kintosche of Raithmorcouris on the other part, anent the debates, controversies, and claims between them respecting the lands of Raithmorcouris, with castle, woods, and pertinents thereof, in manner as follows, viz., that the said Lauchlan and Duncan of their own motive wills, and for their heirs and assignees, have renounced all right, claim of right, property and possession which they had, or may have in time to come, or that their predecessors had to the lands of Raithmorcouris, castle, woods, and pertinents of the same, and exoner, absolve and quitclaim the said Alexander, his heirs and assignees, of these lands for ever, and surrogate the said Alexander into all their right or claim thereof; and bound themselves by oath to deliver to him, his heirs and assignees, all charters, documents, and instruments which they had affecting the lands, within forty days after date of the present instrument: For all which the foresaid Alexander by oath binds himself and his heirs to render faithful service and homage for ever to the said Duncan and his heirs, his service and homage to the King and his successors, and to the lord superior of the lands, excepted and reserved, and the homage and service of the said Alexander to George Earl of Huntly excepted for his time only: The said Duncan and Lauchlan being further bound by a penalty of £1000 Scots, to be paid to the said Alexander if they troubled or molested him or his heirs in the said lands, or came in the contrary of the foregoing, and that before they should be heard in plea before any judge, and within forty days after such gainsaying of the present instrument, in discharge of the expenses spent by the said Alexander on the said Duncan and Lachlan for the said lands, which they on the date hereof acknowledge to extend to that sum; and if the said Alexander contravened the same, he was bound in a penalty of 40 merks Scots, half to the fabric of the Cathedral Church of Aberdeen, and the other half to the fabric of the Cathedral Church of Moray. On all which the parties asked instruments

with the seal of the Earl to be attached. Done in the burgh of Edinburgh, in presence of Alexander Gordon of Megmar, brother of the Earl, Hugh of Yle, brother of the Lord of the Isles, Alexander Dunbar of Westfeilde, James Ogilby of Deskfurde knight, Mr. Gilbert Hay of Vry, James Innis of that Ilk, Walter Ogilby of Auchlivin, Mr. Alexander Vrcharde, Sheriff of Cormarte [Cromartie], John Ros of Balmagovne, and John Munro of Foulis. The notary's docquet to the original agreement states that the seals of Alexander of Dunbar of Westfelde, and James Ogilby, knights, were appended. The Transumpt was made in the burgh of Perth, in the dwelling-house of the deceased William Elder, 14th July 1478.

284. PRECEPT OF SASINE by George Earl of Huntly, Lord Gordoun and Badzenach, directed to Lachlan M^cKintoschie and Thomas Gordonn, his bailies, for infefting John Graunt, son and apparent heir of Duncan Grawnt of Frwchuye, in the Earl's lands of Fermestown, in the shire of Aberdeen, Kenrara, Blawye, and Gergaske in the shire of Inverness, which he had granted to the said John for his lifetime. Dated at the Palace of Spynie, 8th September 1478. The Precept is signed, "Georg Erl of Howntle."

285. CHARTER by George Earl of Huntly and Lord of Badzenacht, by which he gives, grants, and with title of vendition alienates and confirms to his well beloved John Grant of Frewche, his lands of Clewthre, with the pertinents, in the lordship of Badenoch and sheriffdom of Inverness, for a certain sum of money paid to him by the said John: To be held by him, his heirs and assignees, of the granter, his heirs and successors, in fee and heritage for ever; with common pasturage within the commonty of the lordship and the "schelis" of old custom pertaining to the lands of Clewthre, as freely as any land is given or possessed within the realm of Scotland, for rendering yearly a penny Scots at the feast of Whitsunday in name of blenchfarm only; with clause of warrandice. Signed and sealed at the Earl's place of Getht, 4th February 1491, in presence of Alexander Lord of Gordon, his eldest son, Master Adam the Earl's brother, dean of Caithness, James Ogilwy of Deskfurd, knight, John Lesly of Wardris, James Dowglas of Pettyndretht, John Ogilwy of Myltonn, and Andrew Hay the Earl's marischal. Signed, "Georg Erl of Howntle." Seal in fair preservation.

286. CHARTER by George Earl of Rothes, Lord Leslie and Baron of Ballinbrech, to John Grant of Fruquhy, of his lands of Muldaris in the barony of Rothes and shire of Elgin: To be held by him, his heirs and assignees, of the granter and his heirs and assignees, in fee and heritage, for payment of one penny Scots on the ground of the said lands at Whitsunday, in name of blenchferm, if asked only. Dated at Falklande, 25th November 1507. Seal in good preservation.

287. Charter by Alexander Gaderar, burgess of Elgin, by which he grants and alienates to John Grant of Fruchuy his lands of Aldeasche, with the pertinents, in the shire of Elgin, for a certain sum of money: To be held by the said John Grant, his heirs and assignees, of the King and his heirs and successors, in fee and heritage for ever, for rendering the rights and services due and wont. The charter contains clause of warrandice, and is sealed at the burgh of Elgin, 10th January 1512. Witnesses, Mr. John Spens, subchantor and official of Moray, Thomas Leslie, rector of Kingusy, Barald Leslie, prebendary of Elgin, Sir Donald Thomson, chaplain of the castle of Duffous, Mr. Andrew Sinclar, vicar of Lagan, notary public, and others. Seal attached.

288. Notarial Instrument narrating that in presence of William Robertson, notary, and witnesses, an honorable man, John Grant of Fruchy, offered himself ready to fulfil and observe all and sundry conditions contained in a certain contract made and entered into between him and John Cuming of Ernishedde, dated the 10th May 1508, and also all contained in another contract made between them at Alter, dated 8th November 1508, and to infeft the said John Cuming in the lands according to the said contracts, and to do all else according as he was bound by their tenor; and instantly required the said John Cuming, personally apprehended, to observe and fulfil on his part, all the things contained in the said contracts; protesting that if he should do otherwise, he would pursue him for the sum contained in the said contracts. Done in the parish church of Duthill, 8th September 1516, in presence of Barald Leslie, prebendary of Elgin, Walter Innes of Tuchis, George Leslie, captain of Rothes, and others.

289. Letters under the Signet, in the summons at the instance of James Grant of Freuchy, as executor to the deceased John Grant of Freuchy, his father, charging Finlay Ferquharsone, James Gordoun of Abirzeldy, James Stewart there, Alexander Stewart, son to Johne Neilsoun, Johne Stewart his brother, Donald M^cNychol, and Patrik M^cKintagart, and also against George Earl of Huntlie and Sir James Crechtoun of Frendraucht, knight, as sureties for them, to compear before the Privy Council, at Edinburgh, on the 21st day of April next, that they may be decerned to refund and deliver to the said James Grant, as executor, the following goods taken by them from his father at the times specified, or to give equal value for them, viz. :—In the year 1527, from the lands of Braemar, in the sheriffdom of Aberdeen, 96 cows, valued at 50s. each, sent by John Grant with his servant to the king, in payment of the king's rents for the lands of Vrquhard and Glenfarmych [Glencarnie]: Also in December of the same year, from the lands of Vry, near Cowe, in Myrenes, in the sheriffdom of Kincardine, from Sir Alexander Farquharsone, chaplain and servant to John Grant,

one black and one brown horse, valued at 10 lib. each; one doublet of double worsted, at 48s.; three shirts, at 6s. each; two swords, at 58s. each; two pair of hose of black and white cloth, at 14s. the pair; one lib. of pepper, at 10s.; four ounces of cannell [cinnamon], at 16s.; half a lib. of ginger, at 4s.; two ounces of saffron, at 12s.: also, to refund and pay the profit which James Grant and his father might have had of the cows and horses since the time of the taking of them, the yearly profit of each cow in milk, stirks, butter and cheese, being valued at 13s. 4d.; and the yearly profit of each horse in work, labour and riding, valued at 40s. The summons further narrates that the persons pursued had been indicted at the last Justice Court at Aberdeen, for art and part of the charges above mentioned, and had compounded for the King's remission for the same, and also that George Earl of Huntly, with consent of John Lord Erskine, his curator, and Sir James Crichton of Frendraught, knight, were taken to be pledges and securities. The letters are dated at Edinburgh, 26th February, the 19th year of the King's reign [1532].

290. CHARTER by Patrick bishop of Moray and perpetual commendator of Scone, with consent of his chapter, whereby for an augmentation of his rental extending yearly to the sum of six pounds Scots, and a great sum of money paid to him by William Grant, son of John Grant of Fruchye, and other good deeds done to him by the said William, he gives and lets heritably in feu-farm to the said William Grant and his heirs his lands of Vuirfinlarg, *alias* Mukroth, Midfinlarg, and Nedirfinlarg, with their pertinents, in the barony of Strathspey, regality of Spyny, and shire of Elgin and Forres; which lands were let before for £12 as the old maill thereof, and three marts, price of the piece 24s., extending to £3, 12s., and six bolls of oats, price of the boll 4s., extending to 24s., the sum total of the whole old ferm extending yearly to £16, 16s., and now, in augmentation of the rental, to the sum of £6 as the third penny more than ever the lands paid before: To be held by the said William and the heirs-male of his body, whom failing, the said James Grant and the heirs-male of his body, whom all failing, the lawful and nearest heirs-male of the said James Grant whomsoever, bearing the name and arms of Grant, of the granter and his successors bishops of Moray, in feu-farm and heritage for ever, for yearly payment of the ancient rental, and augmentation above specified, extending in whole to the sum of £22, 16s. Scots, at two terms, Whitsunday and Martinmas in winter by equal half portions; the heirs-male foresaid doubling the said sum the first year of their entry, and giving suit and personal presence at the three head courts to be held at Spiny, and in every justice-eyre of the regality of Spiny; the tenants and inhabitants of the lands also giving suit and personal presence in the justice-eyres; and the said William, whom failing, the said James Grant and their heirs, to be faithful to the Bishop and his successors, and his

church of Moray, and to do them thankful service; the said William and his heirs, and the tenants and inhabitants of the lands, being bound to go with the Bishop or his bailie in the host of the sovereign lord the king to war, when summoned, sufficiently provided in arms, clothing, and other necessaries, at their own expenses, according to the custom of the country and Acts of Parliament. With clause of warrandice. Dated and sealed with the Bishop's round seal, and subscribed and sealed with the common chapter seal of the Cathedral Church of Moray, and subscribed by the canons in token of their consent, at Elgin, in the Chapter-house of Moray, 7th May 1541, in presence of James Innes of Drany, Patrick Kynnarde, William Ogiluy of Allanboye, Thomas Hay, vicar of Duffous, James Douglas, prebendary of Bothuall, and others. Signed, "Pa. Morauien. Ep^us de Scona Comēdatarius." "Alex^r Dūbar mādato regio subsc^ribo." "Guliemus Gordon cancellarius Morauien." "Archibaldus Dūbar, archidiaconus Morauien." "Willm^9 Paſsone, subdecan^9 Morauien." "Gav^9 Lesly de Kyngussy." "Johnes Burt p̄bēdari^9 de Moy ss^t." "Jacobus Hepburn thesaurarius." "Alexander Hepburn de Ryne." "Alex^r Suy^9land de Duffous manu p̄p^ria." "Joannes Innes p̄bendarius de Elgin ss^t." "Thomas Gaderar de Talaraky." "Alex^r Suy^9land de Duffous subscribo et procuratorio nomine magistrorum Jacobi Strachyne et Alex^r Hebroyne p̄bēdariorū de Ryne et Botary." "Jacobus Strathauchin a Botary." "Jacobus Hepburn thesaurarius." "Johānes Ogiluy de Petty."

291. Precept of Sasine by Patrick Bishop of Moray, and perpetual commendator of the monastery of Scone, narrating that with express consent of his Chapter of his Church of Moray, to the weal of his Church of Moray, and augmentation of his rental yearly by the sum of £4, 16s. 2d. more than the underwritten lands and fishings had ever before paid, for a great sum of money paid to him by John Grant of Culkabok and James Grant his natural son, to be turned to his use and the reparation of his Cathedral Church, to the policy and improvement in the common-weal, in view of the Acts of Parliament thereupon, and to the repair and construction of houses, buildings, dovecots, ponds, and gardens upon the lands, etc., and for good deeds done by the said John and James Grant to the Bishop, he had given and granted, set, and in feu-farm let to the beforenamed John Grant of Culkabok and Elizabeth Innes, his sponse, in liferent, and to James Grant, son natural of the said John Grant, and the heirs-male of his body lawfully begotten; whom failing, to Alexander Grant, also son-natural of the foresaid John Grant of Culkabok, and the heirs-male of his body lawfully begotten; whom failing, to John Grant, also son natural of the said John, and the heirs-male of his body lawfully begotten; whom all failing, to the true and nearest heirs-male of James Grant of Fruchye whomsoever,

bearing the name and arms of Grant, the lands of Westir Ellochy, with mill and fishing upon the water of Spey belonging to the said lands, the Portar Croft, and boat called the "Ferrie cowbill," upon the water of Spey, and the lands of Kincardyn, with fishings thereof upon the water of Spey, in the barony of Strathspey, regality of Spyny, and sheriffdom of Elgin and Forres; for which reasons he charges his bailies in that part to give liferent state of the foresaid lands to the said John Grant of Culkabok and Elizabeth Innes, his spouse, and heritable state thereof to the said James Grant, natural son of the said John Grant of Culkabok, by delivery of earth and stone, cord and net. In witness whereof, the Bishop's round seal is appended, and the common seal of the Chapter, with the Bishop's subscription and the subscriptions of the Canons in testimony of their consent. At Elgin, 7th [date illegible, but probably May 1541]. Signed, "Pa. Morauien. Epus de Scoa Cōmēdatarius." "Alexr Dūbar decanus mādato Regio subscribo," etc.

292. CHARTER granted by Norman Leslie, son of George Earl of Rothes, Lord Leslie, fiar of the lands underwritten, and George, his father, lord of the franktenement of the same, in favour of James Grant of Fruquhy, confirming to him, his heirs and assignees their lands of Vester Muldari, the Hawchis, Myddyll Muldari, Bogbin, with mill, and their pertinents, in the earldom of Rothes and shire of Elgin and Forres, which formerly belonged heritably to his father, the late John Grant of Fruquhy, and were in their hands as lords superior through the death of the said John Grant and nonentry of the heir; and further, for the good service done and to be done to them by the said James Grant, they quitclaim in his favour all right, title or claim they, their predecessors or successors, had or might have to the same by reason of escheat, forfeiture, or other cause: To be held by the said James and his heirs of Norman Leslie, his heirs and assignees, in fee and heritage, for payment of a penny Scots yearly at Whitsunday on the ground of Vestir Muldari in name of blenchferm, if asked only. Sealed and signed at Strwdir and Cuper in presence of John Lord Lynsay of Byris, Andrew Lynsay, David Lynsay, and others, 12th June 1541. Signed, "Normund Leslye, wytht my hand, at the Strudyr." "Ge. erl of Rothes, wt my hand, at Cowp." Both seals attached.

293. SUB-LEASE by Donald Glas, who holds from James Grant of Fruchy, for the term of nineteen years, the lands of Logane, Ardinche, and Ballynnaspy, with their pertinents, in the barony of Strathspey and sheriffdom of Inverness, setting and letting to his brother, Angus Williamsoun, and his heirs-male, and failing them, to the granter and his heirs whatsoever, and to his cotters and sub-tenants of no higher degree than himself, the lands of Ardinche and Ballynnaspe, with the

fishings in the Loch of Lochinche, and with hawking and hunting and all the pertinents thereof for nineteen years. The entry to the same to be at Whitsunday following the date of the lease; the lands and pertinents to be peaceably enjoyed for the full space already stated, with houses, buildings, etc., and other commodities and righteous pertinents whatsoever pertaining thereto, without revocation or impediment. Angus Williamsoun, his cotters and subtenants, or their factors, to pay therefor yearly, during the term above mentioned, to Donald Glas, his heirs or their factors, the sum of ten merks, ten shillings and eight pence at the terms of Whitsunday and Martinmas, in equal portions, and to be ready at all times to pass with Patrik, Bishop of Murray, to the king's wars: Donald Glas binding himself to warrant the terms of the lease against all deadly, has subscribed the same, and in the absence of his own seal, has procured and affixed the seal of Patrik Grant of Dalvay. Dated at Edinburgh, 20th May 1542, before these witnesses, Jhone Grant of Ballindalloch, Patrik Grant of Dalvay, James Grant of Fruche, Schir Jhone Maitland, and Johne Hay, with others.

294. LETTERS under the signet of King James the Fifth, narrating the complaint of Elspeth Allester, dwelling under James Grant, against Allester, son of Patrick Grant, and Maister William Grant, his brother, who, with accomplices, upon "vphaly day last bypast," under silence of night, by way of hamesucken, and in a murderous manner, came into the house of Elspeth Allester, in Little Cardell, in Stropey [Strathspey], armed with bows, arrows, and drawn swords, and slew the child of Elene Williamson's daughter in her arms, the child being six months old, and she asking God's peace and the King's. They also tied her hands, laid her bound upon a stool, and with a sword cruelly cut off her left hand and arm, and stole from her all her goods in the house, such as wool, lint, and "insicht" goods, as well as two bolls of beir which should have been sown; and have thereby hurt her, her house and children, and put them to extreme poverty, in high contempt of the King's authority and laws, if such charges be true. Wherefore the Letters charge messengers to summon the persons who have committed the above crimes and their accomplices, personally if they can be apprehended, or failing this, by open proclamation at the market cross of the shire where they dwell, to compear and underly the laws before the King's Justice or his Depute, at the Tolbooth of Edinburgh, on 19th October next. Dated at Edinburgh, 8th July, and of the King's reign the 29th year [1542].

295. Copy CONTRACT between George Gordoun of Rothemurcus, with consent of his father, George Earl of Huntlie, as his tutor and governor, on the one side, and Alexander Dolles of Canttraye, who alleges that he has the consent of James Keir (MacIntosh), eldest son

and heir of the late Allan Keir (MacIntosh), sometime of Rothemurcus, with advice of the well-advised friends of James Keir, on the other side, as follows:—George Gordoun obliges himself to sell and dispone by resignation, or by charter and precept of sasine, to Alexander Dolles and his heirs heritably, all and whole the lands and barony of Rothemurcus, with tenants, tenendries, service of free tenants, fortalice, lochs, woods, and fishings thereof, to be holden of Patrick Bishop of Moraye, and his successors, in feu-farm, for payment of such feu maills and duties, as the feu-charter of George Gordoun specifies: and to make Alexander Dolles, and his heirs, assignees in and to an assedation of the teind sheaves of the kirk of Rothemurcus, which he has of the bishop for nineteen years: and to deliver all the evidents which he has of the lands of Rothemurcus, as well as the assedation already mentioned, with an assignation thereof: Alexander Dolles, on behalf of himself and his heirs, discharging and renouncing all warrandice that he has or may have through this alienation against George and his heirs, except that the Earl of Huntly shall be obliged for himself and his heirs to warrand the lands and barony referred to at the hands of George his son, and his heirs, to Alexander and his heirs whatsoever, for which Alexander shall content and pay to George, and to the Earl his father, as his tutor and governor in his name, the sum of eighteen hundred merks at the making of this contract, three hundred merks within eight days thereafter, and four hundred merks at Whitsunday following: and for security thereof, Alexander shall cause that Hucheon Ros of Kilrayok, John Grant of Ballindallocht, Arthur Stewart of Kilmacloyne, and Alexander Lesle, young Laird of Wardores, be acted along with himself in the official's books of Moray, each for one hundred merks at the Martinmas term ensuing, and shall infeft George Earl of Huntlie, heritably, by charter and sasine, in all and whole the lands of Lairgis, in the sheriffdom of Inverness, with the pertinents of the same, to be holden of the King of Scotland for the time, and his successors, as Alexander himself holds them, the Earl giving to him a reversion and letter of regress containing the sum of four hundred merks, and also a letter of tack of the said lands of Lairgis after the outquitting of them, for the space of five years, paying therefor twenty merks yearly, in case Alexander shall not have paid the sum of eight hundred merks at the term of Martinmas. Also he shall infeft the Earl in all and whole the six merk lands of Cantrafresser, to be held of Alexander and his heirs blanche, for payment of one penny yearly, in security of payment of two hundred merks of the whole sum, the Earl to give him a reversion containing the sum, with a letter of tack after the outquitting for five years, for payment of six merks maill, in case Alexander fail to pay the complete sum of eight hundred merks by the time above stated. The lands of Lairges and Cantrafresser not to be redeemed by Alexander, unless at one time, and both together; and for observing of all the premisses contained in this contract each party is bound and obliged, one to the

other, by the faith and truth in their bodies; and for greater security they are content that the contract be registered in the official's books of Moray, and they to be bound to the same under the pain of cursing. The contract is subscribed by George Erle of Huntle, George Gordoun and Alexander Dolles, and is dated at Elgin, 29th December 1542, in presence of Robert bishop of Orknai, Alexander prior of Pluscardin, Robert Innes of Innermerkye, Robert Dunbar of Durres, Alexander Bailze, constable of Innernes, James Innes of Rothmakenze, and Schir Thomas Hay, vicar of Duffus, as witnesses. A note is appended, of the same date as the contract, and signed by Thomas Hay, notar, calling upon the parties above enumerated to implement their securities.

296. CHARTER by Patriek Bishop of Moray and perpetual commendator of the monastery of Scone, with consent of his chapter, whereby, for augmentation of his rental and a sum of money paid to him by Duncan Grant, converted to his own use and the use of the Cathedral Church of Moray, and for other good deeds done by the said Duncan to him, the said bishop gives, leases, sets in tack, and lets in feu-farm heritably, to the said Duncan and his heirs-male, the lands of Ester Ellochy, with fishings on the water of Spey, in the barony of Strathspey, regality of Spyne, and shire of Elgin and Forres, which lands were previously let for £6 Scots as the old maill, and a mart of the price of 24s., two bolls of oats, price of the boll 4s., the whole ancient maill extending to the sum of £7, 12s., and now in augmentation of rental, the sum of £3, as the third penny more than ever the said lands paid before; and the multure ferms of the said lands extend yearly to 5s. 4d., and now in augmentation of rental to 2s. 8d., and the old ferm of the said fishings extends yearly to 3s. 7d., and now in augmentation to the sum of 21d.: To be held by the said Duncan Grant and the heirs-male of his body, whom failing, by James Grant of Fruquhy and the heirs-male of his body, whom all failing, to revert to the nearest heirs-male of the said James Grant whomsoever bearing the surname and arms of Grant, of the Bishop and his successors, Bishops of Moray, in feu-farm and heritage for ever; with power to dig, labour, and till new cultures on the said lands, and to fish on the water of Spey, with nets, boats, "waehsperis and currokis," for payment yearly of the foresaid sum of £6 as the old maill, a mart at 24s., oats 8s., ferm multures 5s. 4d., the ancient maill of the fishings 3s. 7d., sum total of the ancient maills £8, 0s. 11d.; augmentation, £3, 4s. 5d.; extending in whole to the sum of £11, 5s. 4d., at two terms in the year, Whitsunday and Martinmas in winter, by equal half portions; the heirs doubling the said sum the first year of their entry; and the said Duncan and his heirs doing suit and personal presence at the Bishop's three head courts held at Spynie, with suit and personal presence in

the justice-eyres of the regality of Spynie, the tenants giving suit and personal presence there also: the said Duncan and his heirs to be faithful to the Bishop, and give attendance in the King's host with the Bishop or his bailie, etc. Sealed with the Bishop's round seal, and the common seal of the Chapter of the Cathedral Church of Moray, and subscribed by the Bishop and by the Canons representing the Chapter for the time in sign of their assent and consent, at the Cathedral Church, in the Chapter-house thereof, on the 16th of January 1542. Witnesses, James Innes in Drany, Patrick Kynnard, William Ogiluy of Allanbow, Thomas Hay vicar of Duffus, James Douglas prebendary of Boithuile, and others. Subscribed, "Pa. Morauien. Ep^{us} de Scona cōmēdatarius." "Gavinus Lesly de Kyngusy p^{o}bēdar^{9}." "Thomas Gaderar de Talaracy." "Guliemus Gordon Morauien. cancellarius." "Thomas Wallas de Wnthink." Both seals in good preservation.

297. Letters of Poinding, under the siguet of Mary Queen of Scots, directed to the Sheriff of Inverness and his deputes, and messengers, sheriffs in that part, narrating an Act and Decreet of the Lords of Council, dated at Edinburgh, the 26th of February, the year of God 1517, for the late John Grant of Fruchy against the late Donald Ilis of Lochelsche, knight, William Chesholme of Comermoir, Donald M^{c}Alister and the late More Euyne in Pontait, Alexander Anderris, Johu M^{c}Alistis son, Donald M^{c}Gillespy, decerning them to have done wrong in the wrongous violent spoliation, taking and withholding from the said deceased John Grant and his servants, keepers thereof, of the place and fortalice of Vrquhart pertaining to him heritably in feu-farm, by assedation and infeftmeut made to him by the Queen's father; and in the spoliation and away taking from him of his victuals and household goods, being in the said place, "sik as pottis, pannys, kettillis, nop, beddis, scheitis, blankettis, coueringis, coddis, fische, fleische, breid, aill, cheis, butter and vther stuff of hous-auld and salt hydis, extending be guid estimatioun to the sovme of j^{c} li with the mair;" and also in the wrongous spoliation and away taking from him out of the places undermentioned the goods and victuals following, viz.:—Out of the town and grange of Kile Sanct Nynuane of iij^{c} bolls of beir, ij^{c} bolls of oats with the fodder; out of the town and lands of Corminyane, a hundred bolls of beir, ij^{c} bolls of oats; out of the lands of Auchmony, lx bolls beir, vj^{xx} bolls oats; out of the lands of Petcarilmoir and Dulschangy, a hundred bolls of beir, ij bolls of oats; out of the town and lands of Mekly, vj score bolls oats, lx bolls beir; out of the town and lands of Kerrogar, vj score bolls of oats, lx bolls of beir; out of the lands of Tulauchla, vj score bolls of oats, lx bolls of beir; price of the boll of oats with the fodder, iiij s.; price of the boll of beir with the fodder, viij s.: And also in the spoliation and away taking and withholding from him out of his said lands of three hundred kine, price of the piece

xxvj s. viij d.; a thousand sheep, ewes, and wedders, price of the piece o'erhead, iiij s.: which goods, corn, and cattle pertained to the said deceased John Grant and his servants, and were spoiled from him out of the said house and lands by the said persons and their complices at the feast of Allhallowmas, or near thereby, in the year 1513: And also in the wrongous occupation, manuring, and laboring of the said lands, and intromitting with the profits that he might have had of the same, for three years thereafter, extending yearly in free goods, the expenses made upon the labouring being deducted to iij^{c} bolls of beir, ij^{c} bolls of oats, with the grass and pasture of vj^{c} kine and oxen, a thousand sheep and goats, ij horses and mares, ij swine, price of each "swynnis" grass yearly xviij d., and maills, carriage service, profits and duties of the said lands and lordship of Vrquhart, extending in all for the space of three years to vj score merks in money, xj score bolls victual, beir and meal, price of the boll viij s., as was contained at more length in the summons made thereupon, and therefore should content and pay to the said John Grant of Freuchy the sum of ij^{m} li. money of the realm, the "skaith" having been referred to his oath, who made faith that his losses extended to the said sum "with the mair," as at more length was contained in the said decreet,—which decreet the Queen and Lords of Council have transferred, and hereby transfer, in and upon Margaret Ilis, one of the two sisters and heirs of the said deceased Donald Ilis, Thomas Dunwell of Kildune, son and heir of the late Jonet Ilis, his other sister and heir of the said late Donald and successor to him, and in and upon the said Donald M^{c}Alister for himself, and as heir to the said late More Euene Ewin in Pontait, his mother, and on Alexander, John M^{c}Alister's son, William Chesholme, and Donald M^{c}Gilaspy, passive, on the one part, and James Grant of Frewchy, son, heir, and executor of his father, the said deceased John Grant of Freuchy, active, on the other part, in order that letters be directed at the instance of the said James Grant, for apprising the lands and goods of the said Margaret and Thomas, as heirs and successors aforesaid, and the remanent persons above written. Whereupon the Queen charges her sheriffs in that part to "compell, poynd, and distrenze" the said persons, their lands, and "mak penny of thair reddiest gudis," and failing of moveable goods, to apprise their lands, after the form of the Act of Parliament, to the value of the said goods, sums of money and profits above written, and make the said James Grant be fully paid thereof, after the form of the said decreet and transferring. Given under the signet at Edinburgh, 6th May, seventh year of the Queen's reign [1549].

298. Positions on which the parties, principal, defender, and witnesses ought to be examined on oath, in a certain case of appeal by George Grant and John Grant of Balindolowche his father, governor and curator, appellants, against Patrick Grant

and Mr. James Rolland, his curator *ad lites*, and the venerable Mr. Alexander Sutherland, dean of Caithness, and official of Moray, respondents.[1]

The appellants' motions follow :—

Item, first, the said parties, appellants, assert and intend to prove that the late John Grant of Culcabok, by the space of thirty years or more immediately preceding the date hereof, married a certain Isobel Innes, solemnised marriage with her in face of the kirk, and lived with her as his true spouse and wife, in house and family, bed and board, and mutual cohabitation, and they treated each other as husband and wife, for the space of twenty-five years after the solemnisation of the marriage till before the death of the said John Grant of Culcabok, and all that time the said John and Isobel were by their neighbours held and reputed as spouses.

Item, secondly, that during the said marriage, a daughter was born to them named Isobel Grant, whom John Grant of Ballindalloche, appellant, married, and solemnised the marriage in face of holy kirk, and that for a long time they were esteemed and reputed spouses, and lived together in mutual cohabitation.

Item, thirdly, that during the marriage of the said John Grant of Ballindalloche and the said Isobel Grant, the foresaid George Grant, the appellant, their son, was born, and was held and reputed to be their son; and that there were no other children of the marriage between the said John Grant and Isobel Innes other than the said Isobel Grant.

Item, fourthly, that because of the premises, the said George Grant ought of right lineally to succeed the late John Grant of Culcabok, his grandfather, in his heritage.

Item, fifthly, that notwithstanding the premises, it had come to the knowledge of the said George, appellant, son natural to the said John Grant of Ballindalloch, also appellant, and to the knowledge of the said John Grant, within six or eight days immediately preceding the date hereof, viz., the 9th day of May instant [the year of God 15]49, and no earlier, on which they have made oath to their notary of an appeal of the cause, and they were as yet not fully informed of the wrongs underwritten done to the said George, that the lord official of Moray and his commissaries for the time, cognoscing and proceeding, although wrongously, to no effect, and unjustly, in a certain pretended cause of divorce, moved and intented by the said late John Grant of Culcabok against the said Isobel Innes, passed and promulgated their pretended sentence, if such it may be styled, being a nullity, in favour of the

[1] The statements in this document are pleadings in an appeal to the Consistorial Court of Moray on 9th May 1549. The appellant, George Grant, was a grandson of John Grant of Culcabock and Glenmoriston by the latter's daughter Isobel, who had married John Grant of Ballindalloch. George Grant claimed to be heir of his grandfather in opposition to Patrick Grant, afterwards of Glenmoriston, son to John Grant of Culcabock by a second marriage.

said deceased John against the said Isobel Innes, without any cognition of the cause and in opposition to all order of law; and the said Isobel was never yet cited, or was convicted without just probation, to the grievous hurt and prejudice of the said late Isobel Grant, and the said George, appellant, grandson and heir of the said late John Grant of Culcabok; by which pretended sentence and promulgation thereof, the said George, appellant, will peradventure be secluded from the succession and order of succession to the said deceased John Grant his grandfather, as to his lands and heritage.

Item, sixth, that thereupon the said lord, now official of Moray, conform to his custom, unjustly, wrongly, and to no effect, as to which the said complainers gave their judicial oath to their notary of an appeal of the cause, as is more fully contained in their appeal referred to, directed and fulminated his pretended letters testimonial, declaring to all that desired to know, the divorce past *simpliciter* between the said Isobel Innes and the late John Grant of Culcabok, formerly her spouse, in the auditorium of Moray, and their pretended sentence made thereon to the effect foresaid: Whereas in fact no sentence tending to divorce was passed and promulgated in the said auditorium to the effect foresaid.

Item, seventhly, that during the marriage between the said deceased John Grant of Culcabok and Isobel Innes, the said deceased John Grant committed adultery with Agnes Freser, surviving, who stood in the fourth and fourth, or at least the nearer degrees of consanguinity, to the said Isobel Innes, and so to the said deceased John Grant in the same degrees of affinity, and therefrom descended the principal party respondent, etc.

Follows the computation of the said degrees:—

Item, eighthly, that the late Hugh Freser, Lord of Lovett, begot the deceased Hugh Lord of Lovet, and Eufamia Freser, brother and sister german, commonly held and reputed for such, which Hugh Lord of Lovett, first of that side, begot the deceased Thomas Lord of Lovett; who begot William Freser; which William begot Agnes Freser, asserted spouse of the late John [Grant] of Culcabok, still surviving, fourth of that side, commonly held and reputed for such.

Item, ninthly, that the deceased Eufamia Freser, sister-german of the said deceased Hugh Freser, first of that side, bore the deceased Robert Innes, knight, of that Ilk: which Robert Innes, knight, begot Walter Innes; which Walter Innes begot Isobel Innes, spouse of the said deceased [John] Grant of Culcabok, she being fourth of that side, and held and reputed for such. Consequently, the said deceased John Grant and Agnes Freser at the time of their contracting of marriage, if any contracting were, stood to each other in the same degrees of affinity, viz., fourth and fourth.

Item, tenthly, that if in any way the foresaid deceased John Grant took to wife the said Agnes Freser before the said Isobel Innes,—the said deceased Isobel Innes being ignorant and unacquainted with the fact,—he begot a certain Patrick Grant, surviving, the respondent, in illegitimacy and adultery with the said Agnes Freser; or at least if any pretended marriage were contracted between the said John and Agnes Freser, and solemnised in face of the church, as the parties respondent insinuate, that this marriage was clandestinely contracted within the degrees of affinity prohibited by law, within which they could not contract marriage, banns not being proclaimed.

Item, eleventhly, that the said Agnes Freser also at the time of contracting the said pretended second marriage, if any were contracted, knew that the said Isobel Innes was the spouse of the said deceased John Grant, and could not plead ignorance: also that at the time of contracting the pretended second marriage, if any were contracted, as the parties respondents insinuate, between the said deceased [John] Grant and Agnes Freser, the said Agnes Freser and Isobel Innes for many years previously were indwellers in the same province, viz., in the diocese of Moray, at the time of the second marriage, and for five years and more before it were living within thirty miles of each other.

Item, twelfthly, that it follows from the premises, the said Patrick Grant, respondent, is illegitimate, and that the said George Grant, appellant, is heir of the said deceased John Grant, his grandfather, and that the said [Patrick Grant] ought to be excluded and repelled from the heritage of the said deceased John Grant.

299. CONTRACT, in the form of a Notarial Instrument, whereby Thomas Seres and James Farquharson, notaries, certify that in presence of them and witnesses, there personally compeared James Grant of Frwchie, on the one part, and Alexander Grant, brother-german of John Grant of Ballindallach, on the other part, between whom it was communed, agreed, and finally ended, in manner following, to wit:—The said Alexander Grant for himself, his heirs and assignees, hereby renounced all right, title, plea, cause or instance he had against the said James Grant, his heirs, executors, and assignees, for the unjust or violent occupation, labouring or withholding of the lands of Cardellis Meikle and Little, Puteroy, Delnaport, Sundinhillok, and fishing of the same, lying on the water of Spey, occupied by the said James or others whomsoever in his name, in time past, or to be occupied in time to come: Exonerating and quitclaiming the said James, his heirs and others whomsoever, as beforesaid, of such wrongous or violent occupation of the foresaid lands and profits thereof for now and ever, paying yearly and termly for the same as he is bound to pay: And further, the said Alexander bound himself to the said James by oath, and to his heirs and assignees, to infeft him and them in the said lands and fishing in perpetual feu-farm

in the same manner as the said Alexander is infeft in them, according to the communing between the said James and the prior and convent of preaching friars of Elgin, on account of the causes subjoined, viz., the said James has bound himself and his heirs, immediately after he had got infeftment of feu-farm of the lands, to set the lands of Littil Cardill, with the pertinents, in tack to the foresaid Alexander for his lifetime, for payment of the annual ferm used and wont to be paid to the prior and convent; and likewise to pay to the said Alexander the sum of one hundred merks Scots, the said Alexander doing service to the said James and his heirs in honourable service during his life, as the rest of the surname do; for which the said Alexander in like manner binds himself, if he should depart this life without offspring of his body lawfully begotten and surviving, to leave all his moveable goods upon the said lands at the time of his decease to William Grant, son of the said James Grant, without fraud or guile, and binds himself, his heirs, executors, and assignees, to fulfil the premises. Done in the garden of Mr. Alexander Cuming, within the burgh of Elgin, 26th July 1551, in presence of John Roy Grant of Carone, William Ogilvy of Allanboy, and others, and certified by Thomas Seres, Professor of Arts, clerk of the Brechin diocese, and James Farquharson, Master of Arts, priest of Aberdeen diocese, notaries.

300. Copy CONTRACT OF MARRIAGE entered into by James Grant of Freuquhy for himself, and Margaret Grant, his daughter, on the one part, and Alexander Cuming of Alter for himself, and Thomas Cuming, his oye, on the other part, whereby, for renewing the old kindness and "allia" that was betwixt the said parties' "forbears," and houses, and stablishing the same in time to come, it is accorded that the said Thomas Cuming, grandson to the said Alexander, and failing him, the eldest son of the said Alexander and Jonet Brown now his spouse, and failing a son by decease, another who shall be in the first place to succeed to the said Alexander, shall marry the said Margaret Grant, daughter of the said James, and failing her, any other younger daughter gotten in lawful matrimony, and failing his daughter by decease, shall marry a daughter of John the Grant of Mulben, his eldest son and apparent heir, and solemnise the marriage in face of holy kirk as soon as they attain perfect age; and the said Alexander Cuming agrees, either by resignation or charter of confirmation, as shall best please the said James, to place the said Thomas, his oye, in his lands and baronies of Doles and Alter, to be held of the Queen's grace, and in all the other lands he had, to be holden of their overlords as he holds them now, to him and the heirs of his body, whom failing, to the nearest heirs of the body of the said Alexander and Jonet Brown, whom failing, to the said Alexander's nearest heirs whatsoever, with reservation of his franktenement and a reasonable terce to his wife;

and to give to his said oy or his son that should marry one of the said James the Grant or John the Grant's daughters, to him and to her, in conjunct-fee, and the heirs of their bodies, whom failing, to the said Alexander's heirs whatsoever, four-score merk land of his said lands at the completing of the marriage; and for security of the said marriage after sasine was taken by virtue of new infeftment by the said Alexander's grandson or son, as said is, the said Alexander, with his oy or son's consent, shall alienate and sell to the said James Grant and his heirs the marriage of his said "oye" or son that happens to be seized in the said baronies and lands, to be married upon his daughter or son's daughter, as said is, and shall make a letter under his seal and subscription in due form thereon. For which causes the said James shall pay to the said Alexander the sum of 1000 merks Scots; of which 400 had already been paid to the baron of Kilraok in redemption of the Mains of Alter and other lands, which had been comprised; of which the said Alexander acknowledges the receipt, and also of another 100 merks, leaving 500 merks, which the said James binds himself to pay at Martinmas 1553. Further, as soon as by means of the said Alexander or James, Robert Cuming, son of the said Alexander and Jonet Brown, who had the lands of Mekle and Litill Bronquhellis, Craigtoun, mill and alehouse of the same, in the parish of Doles, held in feu-farm, was provided heritably to so much land, or the avail thereof, between the waters of Findorne or Spey, the said Robert should renounce and give over the said lands to remain with the said Thomas: And further, for ease and honour of the said Alexander, that he may live at rest and quietness in his age, and that neither the said Thomas, nor any son that might succeed to him, should grow proud nor insolent, and commit enormities, and displease the said Alexander, the said Alexander should have a reversion of the lands and baronies from his said oye or son, containing the sum of ten pounds, from them and their heirs, "in cace of the committing of ane gryt vilful and manifest falt, misrewll and ewill gyding, as said is:" The reversion to be in the keeping of Robert, Bishop of Orkney, and not to be used but by his advice, and in case of his death, to be kept by the said James or John Grant; and that the five hundred merks of tocher still to pay be expended on the redemption of the lands then in wadset, by advice of the said James Grant, and the yearly profit to be taken up by the said James, and kept to the behoof of the "barnes" when they were married. Both parties agree to the registration of the contract in the official's books of Moray, and to be admonished under the pains of cursing to fulfil the same. Witnesses, Robert, Bishop of Orkney, Mr. John Campbell, prior of Ardchattene, Alexander Cuming of Irnsyid, Thomas Narne of Cromdell, John Narne his son, and Mr. Peter Gilbreyth, notary public. Dated at Elgin, 15th September 1552.

301. CHARTER by Andrew Leslie, fiar of the earldom of Rothes and lands under written, and his father, George Leslie, lord of the frank-tenement of the earldom and lands, in favour of John Grant of Freuchy, whereby for the good deeds and services done to them by him and his father, the late James Grant of Fruchy, of good memory, and to be done by the said John Grant in future, they grant and confirm to the said John the lands of Muldareis, with glens thereof, Westir Muldareis and Bogbend, with mills and multures, in the earldom of Rothes and shire of Elgin and Forres: To be held by the said John Grant of Freuchie and his heirs-male whomsoever, of the granters and their heirs and successors, Earls of Rothes, in fee, heritage, and free blench ferm for ever, for payment of one penny Scots yearly at Whitsunday, if asked only. Signed and sealed at Edinburgh, 12th December 1554. Witnesses, David Balfour of Dovene, John Paterson, and James Forret. Signed, "Rothes." "Andrew Leslye." Seals attached.

302. CONTRACT between John Grant of Fruchy and James Thorntoun, parson of Cromdaill, whereby the latter agrees, for reasons given, to set to the former the teindsheaves, fruits, and emoluments of his parsonage and kirks of Advey and Cromdale, with the glebe and kirkland thereof, in the diocese of Moray, for nineteen years, as soon as the said John could obtain the consent of the Ordinary and Chapter thereto, and engages to give a letter of lease thereon, to be afterwards sealed and subscribed by the Ordinary and Chapter, for payment of forty merks yearly, to be made in the town of Edinburgh at the feast of "Bartilmes" [St. Bartholomew's day, 24th August], "the stallaris fee, procurage sinodall, denis visitationis and vthiris charges aucht and wount," to be paid as formerly; and meantime the said Mr. James has set to John Grant the said parsonage, teindsheaves, etc., for the space of three years, and so running on from three years to three years, till the nineteen years be complete, or at least for the said Mr. James' lifetime, for the yearly payment above specified: the said John Grant binding himself to pay to Mr. James and his successors, the yearly maills, and relieve them of the charges above written; and also to pay within the town of Edinburgh, the sum of four score merks Scots, viz.: 40 merks at Martinmas next to come, and 40 at Whitsunday following; together with a good young horse. The contract to be acted in the official's books of Lothian, and both parties admonished to observe the same. Providing this lease be noways prejudicial to one previously made by the said Mr. James to John Grant of Ballindalloch, the "ische" of which shall be at "Bartilmes" [24th August] 1557. Signed, "Johne Grant of Fruquhye." "Ita est Ja. Thorntoun, teste manu propria." Dated at Edinburgh, 4th October 1555; and parties were at the same date admonished to observe it.

303. LETTER OF LEASE by Mr. John Thorntoun, younger, parson of Advey and Crowmdaill, with consent of Mr. James Thorntoun, his brother, parson of Ancraim, and Patrick, Bishop of Moray and Chapter thereof, whereby he sets, and to maill lets to John Grant of Fruquhy, his heirs and assignees, the said parsonage of Advey and Crowmdaill, with the fruits, teinds and emoluments, glebes and kirklands thereof, with their pertinents, in the sheriffdoms of Moray and Inverness, for nineteen years following Beltane next, called the Invention of the Cross, entry to the rights and duties of the kirk of Crowmdaill to be at that date; but to that of Advey not to be till the issue of John the Grant of Ballendalloch's three years' tack, which would be at Beltane in the year of God 1557, and thence to endure till the end of the nineteen years. Paying therefor yearly to the granter and his successors on entry to the whole taxes and kirks the sum of forty merks Scots, in the town of Edinburgh, at the feast of St. Bartholomew, with eight merks for the "stallaris" fees, with procurations used and wont. The lease contains clause of warrandice, and is subscribed by the granter and his brother James, and sealed with the granter's seal, the seal of the Bishop, the common seal of the Chapter, and his brother's seal, at Edinburgh, 30th November 1555, before these witnesses, William Ogiluy of Allaneboy, David Symmer, burgess of Edinburgh. Subscribed thus: "Ita est Joannes Thorntoñ, iunior, qui manu sua subscripsit." "Ita est Ja. Thorntoñ, teste manu ꝑpria." Only two seals remain, those apparently of the granter and his brother.

304. CONTRACT OF MARRIAGE entered into between John Grant of Fruquhye for himself, and in name of his daughter, Elspet Grant, on the one part, and William Fraser, Tutor of Lovett, on the other part, whereby the said William Fraser agrees to solemnize and complete the band of matrimony with the said Elspet Grant duly "as effeirs" between the date and Whitsunday next; before which solemnisation he binds himself to infeft the said Elspet in his lands of Strowemoir and Cullegrane, in the sheriffdom of Inverness, in liferent, to be held in blenchfarme of Lord Lovett; and if the said William obtain from Dame Jonet Ros, his mother, the goodwill of any sums of money, or apprisings, or decreets that she has against Lord Lovett, or any others, whereby the said William might obtain or conquest any lands, he binds himself to infeft the said Elspet in the said lands in liferent within 40 days after obtaining the said lands and being seized therein: If after marriage the said William move any cause of divorce against the said Elspet, either of affinity or consanguinity, whereby he may repudiate her, "or giff it sall happin in tymes to cum the faciouu of mareage now presentlie vsit in this realme to be thocht null and of nayne awaill in respect of the faciouu and vse of the ald ceremonies of mareage vsit in ald tymes, without the said William of new solemnizat the said mareage with

the said Elspett on the ald maner," in that case he binds himself, if he move any cause of divorce requiring a dispensation, or if the new form of marriage make any derogation to the matrimony, to bring home a dispensation or dispensations on his own expenses, and, if need be, to solemnize the marriage after the old manner, or else pay to her and her father the sum of twelve hundred merks usual money of Scotland within half a year after repudiation or deferring to observe the premises; he also obliges him and his heirs to infeft the said Elspet in any other lands he might acquire within 40 days after he should be possessed thereof. For which causes the said John Grant obliges himself and his heirs to pay to the said William Fraser, his heirs and assignees, the sum of 600 merks Scots, 300 merks within half a year after Elspet Grant was infeft in the lands of Strowemoir and Cullegrane, and the rest within a year after marriage; which sum is to be laid out on land for the use of the said William and Elspet and the heirs of their bodies, and the said Elspet to be infeft therein. Both parties bind themselves to observe the contract under a penalty of 1200 merks; and agree that the contract is to be registered in the Consistory Books of Moray, they to be admonished to keep the same under the pains of cursing. Dated at Balwanye, 19th January 1560. Witnesses, John Earl of Athole, Kennocht M'Kennye of Braell, John Roye Grant of Carron, Mr. Donald Fresar, Archdean of Ross. Signed, "Johne Grant of Fruquhye." "W^m^ Fras^r^ off Strwy." The parties were the same day admonished to observe the contract, under the pain of the greater excommunication, as certified by John Gibsone, notary and scribe of the Consistorial Court of Moray.

305. Extract Contract of Marriage made between John Grant of Freuchy for himself, and in name and behalf of Elizabeth Grant, his daughter, on the one part, and William Leslie of Balquhen for himself, and in name and behalf of John Leslie, his son and apparent heir, on the other part, whereby the said John Leslie agrees to marry the said Isobel Grant, and solemnize the marriage in face of holy kirk, "be the words of the present time," between the date hereof and the feast of Fastren's Even [Shrove Tuesday] next to come; and the said William Leslie agrees to infeft, by charter and precept of sasine, the said John Leslie and Isobel Grant, his future spouse, in conjunct-fee and liferent, and the heirs-male of their bodies, whom failing, the heirs-male whatsoever, in the lands of Kirkhill, Ericsfeild, Seggydene, Tailzeauche, Blairdynnie, and Auchtlyne, in the regality of Garioche and sheriffdom of Aberdeen, to be held of the said William, his heirs and successors, for such yearly maills, ferms, etc., as the said William presently pays to the Queen, William Bishop of Aberdeen, and John Abbot of Lindores, his superiors; and further, he agrees, whenever required by the said John Grant of Freuchy, to resign the lands in the superior's hands for

infeftment in favour of the said John Leslie and Isobel Grant, to be held immediately of the superiors; and warrants the said lands to be of the yearly value of eight score merks Scots and seven chalders victual: For which causes the said John Grant of Freuchie shall refund, content, and pay to the said John Leslie, William Leslie, his heirs, executors, and assignees, the sum of 3000 merks Scots all together on one day between the date hereof and the Invention of the Cross, called Beltane, in the year 1565. The contract is appointed to be registered in the Books of Council, or in the Commissary Books of Aberdeen and Elgin; the infeftments above specified are to be raised upon the said John Grant's expenses and labours; and in case the said William Leslie resign the foresaid lands to be held of the immediate superiors thereof, in that case the infeftments given upon the said lands by him, held of himself, to be rendered and put in his own hands at the said resignation making. The contract is dated at Ballachastell, 15th February 1564, and is registered in the Books of Council, 4th May 1565.

306. Extract Registered Letter of Obligation by George Earl of Huntly, Lord Gordoun and Badzenoch, etc., Chancellor of Scotland, and Mr. George Gordoun of Baldornie, and Mr. John Gordoun his son, for their interest, narrating that forasmuch as the said George Earl of Huntly, having the lands of Rothemurchus, with the lochs, fortaliee, manor place, fishing on the water of Spey, etc., in the regality of Spynie and sheriffdom of Inverness, pertaining to him in feu-farm and heritage, held by him of the bishopric of Moray, had alienated the same lands of Rothemurchus to Mr. George Gordoun in liferent, and Alexander Gordoun, his eldest son, heritably, to be held of the Bishop of Moray and his successors; and that under reversion made by the said Mr. George and Alexander his son, to the said George Earl of Huntly, for redemption and outquitting of the said lands, containing the sum of sixteen hundred pounds Scots: Also that through forfeiture led against the said Mr. George and Alexander his son, their right and property of the said lands and others abovewritten, so far as was wadset to them, fell into the Queen's hands, and the same were disponed by her Majesty to John Wischart of Pettaro, knight, comptroller for the time, who upon her Highness' presentation obtained the Bishop of Moray's infeftment in the lands, in place of the said Mr. George and Alexander his son; and that the Laird of Pettarro had thereafter alienated and disponed the said lands to Mr. John Gordoun, second son to the said Mr. George, holding the same of the Laird of Pettarro; yet, that notwithstanding all the premises, by virtue of the letters of reversion made by the said Mr. George and Alexander his eldest son, to the said Earl of Huntly, at the time of the alienation made by him to them of the said lands long before the said forfeiture, the heritable title and right of redemption of the said lands of Rothemurchus and others

foresaid had remained with the said Earl, as being undisponed by the Queen to any other person; and in respect that the Earl was restored and reponed *in integrum* by her Majesty to all his lands, heritage, right and reversions which the late George Earl of Huntly or himself had at the time of the forfeiture, and so having undoubted right to the redemption and outquitting of the said lands of Rothemurchus and others foresaid, by virtue of the reversion made to him thereupon, therefore the said George Earl of Huntly, for certain great sums of money paid to him by John Grant of Freuchy, binds and obliges himself, his heirs and successors, to the said John Grant of Freuchquhy and his heirs, to make lawful warning to the said John Wyschart of Pettarro, knight, to the said Mr. George Gordoun, Alexander Gordoun his son, and Mr. John Gordoun, his second son, to the said Mr. George, pretended heritable possessor of the said lands, and others having interest, for redemption and outquitting of the same from them, and to redeem the same lands lawfully at their hands, betwixt the date and Whitsunday next to come, and make them free of all alienation or wadset; and having done so, to obtain with all diligence heritable infeftment of the same lands to him, his heirs and assignees, to be held of the Bishop of Murray and his successors as before; and incontinent thereafter, between that and the feast of Whitsunday next to come after the date hereof, he shall infeft the said John Grant, his heirs and assignees, in the said lands of Rothemurchus, by alienation, with confirmation following thereupon, or by resignation of the same in the Bishop's hands, as superior thereof, to be held of the Bishop and his successors; and at the time of making the said infeftment, shall deliver to the said John Grant all charters, infeftments, and evidents which he had or might obtain and get thereof, and specially, the evidents which Allane Keir or his predecessors had of the same, and make the said lands be enjoyed by the said Laird, his heirs and assignees, in feu-farm and heritage, as freely as ever the Earl possessed the same. And the said Mr. George Gordoun, and Mr. John Gordoun his son, consent that the said John Grant enter to the said lands of Rothemurchus, and occupy and use the same at his pleasure in the meantime, until he be infeft heritably in the same, and this without any wrong or violence to be done by him therethrough, and renounce all action against him for the same; and appoint him their assignee to the mailes, fermes, cains, customs and duties thereof during the said space; and the Earl binds himself to obtain the Queen's infeftment and charter of confirmation under the great seal, confirming his infeftment thereof. Dated at Edinburgh, 18th February 1566. Witnesses, John Earl of Sutherland, Alexander Bishop of Galloway, John Bishop of Ross, Patrick Grant of Ballindalloch, Patrick Grant of Dalvey, John Gordoun of Buke, and Master Archibald and Master George; subscribed by George Earl of Huntly, Master George Gordoun, and Master John Gordoun; and registered in the Books of Council, 21st February 1566.

307. CHARTER by George Earl of Huntly, Lord Gordoun and Badzenach, Chancellor of Scotland, feu-farmer of the lands underwritten, whereby in fulfilment of a letter of obligation made to John Grant of Frvchquhy and his heirs, registered in the Books of Council of date, at Edinburgh, 15th February 1566 [No. 306], the Earl gives, grants, sells, alienates, and confirms to the said John Grant of Fruchquhy, all and sundry his lands called the Kirklands of Rothemurchus, with loch, manor place, or fortalice, mills and salmon fishings thereof, in the regality of Spynie and sheriffdom of Inverness, for a certain sum of money paid by the said John Grant: To be held by him, his heirs and assignees, from the granter, his heirs and assignees, of Patrick Bishop of Moray and his successors, in feu-farm and heritage for ever, for payment to the Bishop and his successors of 24 merks Scots yearly, 12 merks at Whitsunday next following, and 12 at Martinmas, or at least at the feast of the Assumption of the Virgin Mary [15th August], or within eight days next and immediately following, and the feast of the Nativity next and immediately following the said feast of Martinmas in winter, without further delay, fraud or guile. Contains a clause of warrandice in the usual form, and engaging to keep the said John Grant harmless of all wards, reliefs, nonentries, ladies' terces, conjunct-fees, assedations, etc., and a precept of sasine directed to James Innes of Drany, and Robert Innes his son and apparent heir, to give infeftment in the said lands. The charter is subscribed and sealed by the Earl at Huntlye, 14th July 1567, before John Bishop of Ross, Alexander Bishop of Galloway, Mr. Alexander Gordon, Mr. Alexander Leslie, Mr. George Leslie, and Patrick Grant of Dalwey, Mr. George Gordon of Baldornye, Mr. William Grant, and Duncan Grant in Garthene. Signed, "George Erll off Hwntlye." Seal attached.

308. CHARTER by Patrick Bishop of Moray, and perpetual commendator of the monastery of Scone, and lord superior of the lands underwritten, whereby, with consent of his Chapter of the Cathedral Church of Moray, he confirms the immediately preceding charter of alienation by George Earl of Huntly to John Grant of Freuchie, of the kirklands of Rothemurchus, which charter is ingrossed, and which the Bishop approves and ratifies, and gives and grants the said lands to the said John Grant, so far as they might pertain to him by reason of nonentry, recognition, forfeiture, or otherwise. Provided, nevertheless, that if the said John Grant of Fruychquhy, his heirs or assignees, shall infeft or seize the Bishop or his successors, bishops of Moray, in a ten pounds worth of sufficient land held in chief of the Queen, or her successors, Kings of Scotland, in a competent place, between the waters of Spey and Ness, between the glen of Rothes and Mar, or barony of Lathen and Mar, or at least lying in the said barony and not higher, the Bishop wills and grants that the said John, his heirs and assignees, shall

peacefully enjoy and possess the foresaid lands of Rothemurcus, with loch, manor place, etc., in true excambion for the foresaid ten pound land, according to the form and tenor of the ancient charter of infeftment made to the said Alan Keir, his heirs and assignees, of the said lands, with their pertinents, by the deceased David Bishop of Moray, his predecessor, and his chapter, under their seal and subscriptions manual, freely and without any annual rent further to be demanded therefor, holding them always in chief, reserving and performing to the Crown the services due and wont, and rendering to the Bishop and his successors, bishops of Moray, a fir cone, at the manor house of Rothemurcus, if asked; and if the said John Grant, his heirs or assignees, at any time should happen to fail in payment of the said annual rent, in whole or in part, at the terms above written, or the last of them at least, the Bishop wills that the said lands should return to him and his successors, bishops of Moray, without opposition, and that the said John, his heirs and assignees, should thereafter neither pretend nor challenge any right, nor claim of right thereto, to which the said John obliged him for himself, his heirs and assignees: To which charter of confirmation and gift *de novo*, subscribed by the Bishop, his round seal is appended, together with the common seal of the chapter, and subscriptions manual of the canons representing the chapter for the time, at Elgin, the 17th July 1567, before these witnesses, Mr. James Strathawchin, rector of Balhelwy, Mr. John Dowglas, vicar of Galstoun, James Innes of Drany, Patrick Grant of Dalwey, Duncan Grant in Garthin, and others. Signed "Pa. Morauien. Epus de Scona cōmēdatarius," and by the canons.

Ja. Thorntoñ, precentor Morauien.
Georgius Hepburne, thesaurarius.
M. W. Gordone a Pettin, etc.
Adam9 Hepburne, rector de Dupill.
Johannes Gibsone, p̄bē9 de Vnthank.
Mr Villmus Strathauchin de Botarye.
Archibaldus Lyndesay a Kingusye.
Patricius Hepburne, rector de Kynoir.
Hugo Cregye de Inuerkeythny, p̄beñ, etc.
Magis Vilhelm9 Paŝson, sub-decan9 Morauien.

309. SUBMISSION entered into between Duncan Grant of Ester Elloquhy, on the one part, and James Grant of Wester Elloquhy, on the other part, narrating that the said Duncan and James had severally raised and impetrated the Sovereign's letters of cognition directed to the bailies of the regality of the bishopric of Murray and their deputes, to take cognition upon the alleged molestation and troubling of either of them in the possession of the said lands of Ester and Wester Elloquhies, within the bounds and marches contained in either of their cognitions, and had

intimated the same to the bailies of the regality, who had ordained precepts to be directed at either of their instances according to the tenor of the letters of cognition; nevertheless, having consideration of the proximity of blood, and that spending of their goods and gear in the law could not be profitable to them, and willing to maintain love and friendship, the said Duncan and James Grant submit and compromit themselves and the decision of either of their claims, according to the tenor of the letters of cognition raised and purchased by either of them against the other to the following persons, viz., William Leslie of Agynwaye, Mr. Alexander Douglas, commissary of Elgin, Mr. Alexander Leslie of Edinvillie, and Duncan Grant in Gartinbeig, or any three or two of them for the part of the said Duncan, and Huchone Ros of Kilraok, Walter Bard of Ordinhwiffis, John Grant of Carrone, and Sir John Gibsone, parson of Vnthank, or any three or two of them, for the part of the said James, as judges-arbitrators and amicable compositors chosen between them in common; and the parties bind themselves to cause the said judges, or any three or two of them, to meet upon the ground of the debateable lands claimed by either of them within the bounds of the lands of Ester and Wester Elloquhy, on the 10th June next, at 10 hours before noon, there to take on them the knowledge and cognition of their debates according to the tenor of the letters of cognition: which parties appearing and accepting, the said Duncan and James bind themselves to abide and underlie their decreet and deliverance, and hereby agree and are sworn by their great oaths to observe the same in all time coming, under the pain of perjury and infamy, without reclamation or appellation to any judge; and they assign to the arbiters to receive probation between the date of their acceptance and the feast of Lammas next to come; with power to either party, if he could not bring his arbiters at the date appointed, to bring such other persons as he should think fit to be judges on the said 10th day of June, etc. They also choose William Leslye of Balquhane and Alexander Suderland of Duffus, or either of them, to be oddmen and oversmen to give their decreet in the premises within 15 days next after the pronunciation of the decreet of the judges-arbitrators, in case they could not agree together, etc. Dated and signed at Elgin, 6th April 1568.

310. DECREET-ARBITRAL given by William Leslie of Akinway and Duncan Makeondachchie in Garthinbeige, judges-arbitrators on the part of John Grant of Fruychquhie, heritable possessor of the whole towns and lands and lordship of Glencharnye, in the sheriffdom of Inverness, on the one part, in company with John Grant of Carroun, John Narne of Cromdell, John Grant of Tullochchorme, and Walter Bard of Ordynhuiffis, or any two of them, as judges-arbitrators on the part of James Grant, heritable possessor of the town and lands of Kinkirdie, in the barony of Strathspey, regality of Spyne, and sheriffdom foresaid, chosen to cognosce, decide,

meith and march anent either of the said parties' claims to debateable lands claimed by the said John Grant to pertain to his lands of Glencharnye next adjacent to the lands of Kinkirdie, according to a petition produced to the judges by the said John Grant, proporting that the said John Grant of Fruychquhie, by himself and his predecessors, heritable possessors of the lands of Glencharnie, and his and their tenants, were in peaceable possession, as the said John Grant was now, past memory of man, or as far as man can reduce to memory, "Be est, northt est, northe, northerlie, northewest, respective, vnto the grett gray stayne callit Clanchanecreyth at the west, or thairbye, discendand thairfray to the sowthe-est to the Watter of Spey be the meithis and merchis wnderwrittin seueralie fra the landis of Kinkirdie pertening to the said James Grant as said is, as propirtie, to the saidis landis of Glencharnye; that is to saye, Begynnand at the est part of the saidis landis of Kinkirdie, at the hewin off Dowaye, as the spring watter eunis, discendis, and enteris in the watter of Spey, quhilk spring is naymit and callit Foremownymoire, and fray the said spring linially west, or thairby, to ane karne callit Karne Neyinvrthie, and fra the said karne sowthe west, or thairby, to ane know at the est and northe respective partis of Lochchane Gewis, and fray thatt sowththerlie to the sowthe end of the said locht, and fray the sowthe end of the said lochez sowththerlie, or thairby, to ane grett craig stayne callit Clauchanecreythe, and fray that sowththerlie, or thairby, to ane vther merche stayne, sua haldin and reputte ane merche stane lytlie different fray the forsaid vther merche stayne quhilkis seperattis and dewyidis the landis of Glencharnye perteining to the said Johnne Grant of Fruychquhie, at the west part of the saidis landis of Kinkirdie pertening to the said James, fra the landis of Glencharnye perteyning to the forsaid Johnne Grant of Fruychquhie, and fray the said last stayne liniallie sowthe est to the watter of Spey." Both the said parties bound themselves to abide and fulfil the decreet of the arbiters thereanent; and whatever marches the said umpires, or two of them for each party, "pottis, meithis, and merchis," were to be held as the right marches of the lands in all time coming; with this provision and paction, that if any of the said parties absented themselves or their judges, or any two of them chosen by either party, with such probation as they would use, each one for their own part, at Glencharnye, the 3d day of May instant 1568, it should be lawful to the party convening to proceed and receive witnesses to the number of twelve persons, and their probation, and decern, and "pott, meithe, and merch," and both parties obliged themselves to underlie and fulfil such decision, as was contained at more length in a compromit made and subscribed by the parties at Mvlbyne, 23d April 1568. In terms of which compromit the said William Leslie and Duncan Makcondachchie Grant, judges-arbitrators for the part of John Grant of Fruychquhye, convened at Glencharnye the 3d of May foresaid with the said

John Grant of Fruychquhye on the one part, in presence of the said James Grant, heritable possessor of the lands of Kinkirdie, he being required by the said John Grant and his two judges to cause the judges-arbitrators, or any two of them chosen for the part of the said James, to concur with the two judges in cognoscing and deciding in the action and claim above rehearsed, and in the said James's claim between his lands of Kinkirdie and the lands of Glencharnye: After divers requisitions by the two judges and the said John Grant, the said James answered "he of nay wayis culd conveyne ane of the personis naymit in the said compromit chosin be him," and he therefore refused to produce before the judges accepting for the part of the said John Grant, any claim at that present time. Whereupon the said two judges, at the instance of the said John Grant, who desired process conform to his claim, and his witnesses and probation to be received for verifying the said claim and marches, received witnesses to the number of twelve, together with the said John Grant of Fruychquhy's instrument of sasine upon the whole land of Glencharnye; the depositions of witnesses and reading of the sasine being done in the presence of the said James Grant, without any opposition to the witnesses or lawful exception to the sasine being taken by him, the said judges, after mature consideration, and having God and a good conscience before their eyes, pronounced and decerned that the foresaid claim of John Grant of Fruychquhye is of truth and verity, and to stand in all time coming; and immediately after the pronouncing of the decreet, "pottit, meithit, and merchit the samin," the lands lying within the same to the water of Spey belonging to the lands of Kinkirdie, and ordain both the said parties to put stones in their "potting, meithing, and merching," which should be held as march stones; and put silence on either party to move any question or debate against their decreet. Subscribed and sealed at Glencharnye, 3d May 1568, before Patrick Grant of Daluey, John Grant in Kinbaicth, John Hay in Allanboye, Mr. Archibald Makgregor, and Mr. Alexander Douglas, notaries public, who also certify the truth of the premises in a docquet. Signed, "V^{m} Leslie of Akȳvay, v^{t} my hand." "Duncā Grant in Gartin, w^{t} my hand." One seal (William Leslie's) remaining.

311. CONTRACT between John Grant of Fruquhy, in name and on behalf of Barbara Grant, his daughter, and Colin Makenze, son and apparent heir of Kennocht Makenze of Kintaill, with consent of Walter Vrquhart, Sheriff of Cromartye, and Mordo Makenze of Fairburn, his curators chosen by him *ad lites et negotia*, for the marriage of Colin Makenze with Barbara Grant: whereby Colin binds himself to obtain a sufficient infeftment vesting and seasing him in all and whole the lands wherein John Mackenze of Kintaill, his grandfather, and Kennocht Makenze, his father,

had died vested and seased, and that betwixt the date of the contract and the feast of Michaelmas following, or sooner if possible, and within eight days of receiving such infeftment, to vest and sease Barbara Graut, by charter and precept of sasine under his seal and sign manual, or by resignation in the superior's hands for her liferent in the same, in all and whole the lands of Achazewran, Athanagart, Torlonsicht, Wester Rathagan, Athazarskalan, Eister Rathagan, Killechynlierin, Coralege, Leechaan, Athanaleand, Ardintowlim in Queassak, the penny land of Dienamak, Driddack, Tolle in Queassak, Menze in Strathonnan, Wester Eskydill and Ester Eskydill, all lying within the sheriffdom of Inverness, for payment of such yearly duties as are contained in the old infeftments of Colin's predecessors: and also that he shall obtain the same infeftment by resignation in the superior's hands or by confirmation upon his charter and precept of alienation, whichever of them shall best please John Grant, at his own expense and at the time before stated; the lands specified to be of the yearly value and payment of two hundred merks to Barbara during her time. And if the lands referred to do not extend to the yearly value just stated, in that case Walter Vrquhart, Mordocht M^c^Kenze, Alexander Bane, and Master Alexander M^c^Kenze, cautioners and sureties, shall augment the said lands with other lands, until the yearly value aforesaid is reached, and Barbara sufficiently vested and seased in the same. Colin Makenze further engages that within eight days after such infeftment is made, he shall solemnise and complete the bands of matrimony in face of holy kirk with the said Barbara. For the doing and fulfilling of which things, John Grant of Fruquhy obliges himself, his heirs, executors, and assignees, to pay to Colin, his heirs, executors, and assignees, in name of tocher, the sum of two thousand merks, between the date of the contract and the feast of Alhallowmes next; and for security thereof, Patrick Graunt of Dalvey, and Duncan M^c^Kondachie Graunt in Gartinbeig, shall be cautioners and sureties, conjunctly and severally, for payment of the same at the date specified: Providing that if it shall happen that Barbara depart this life within a year and day after the completion of her marriage, that Colin, his heirs, executors, or assignees, shall restore and pay to John Graunt of Fruquhy, his heirs, executors, or assignees, the sum of two thousand merks aforesaid, within the space of six months after her decease, or at least so much as he shall happen to have received of the same. John Grant further obliges himself, his heirs, executors, and assignees, duly to infeft, by charter and precept of sasine under his subscription and seal, Colin, his heirs or assignees, in all and whole his half lands of Lochtbroyne, with the pendicles and pertinents thereof, in the sheriffdom of Inverness, to be holden of John and his heirs whatsoever for payment of one penny in name of blench farm at the feast of Whitsunday, if the same shall be registered within twenty-four hours after

the celebration of the marriage. For this infeftment Colin and his curators, and Alexander Bane of Tullycht and Master Alexander McKenze, as cautioners for him, bind themselves, conjunctly and severally, submitting to the jurisdiction of the Commissaries of Murray, and renouncing their own jurisdiction and all other privileges, to pay to John Grant the sum of three thousand four hundred merks at the feast of Alhallowmes next; and Colin engages to relieve and keep skaithless his curators and cautioners before named of the said sum at the hands of John Grant at the terms stated, and John Grant also engages to relieve and keep skaithless his cautioners at the hands of Colin of the sum of tocher promised by him at the term above named. It is also contracted that if the foresaid provisions are found not sufficient, both parties are bound one to the other to renew and reform the same in all points as often as shall be required by the one of the other, until it is made sufficient, the substance of the premisses being observed and kept; and for observing the same, both parties and their cautioners consent that these presents be insert and registered in the Books of Council and in the Books of the Commissary of Elgin, and there to have the strength of a decree of the said Lords and of an act and decree of the said Commissary. In witness whereof, the contract is subscribed at Elgin, 26th July 1570, by the principal parties, their curators and cautioners, before these witnesses, Arthur Vrquhart of Balleblaer, brother to Walter Vrquhard of Cromartie; Alexander Ros, apparent of Litill Tarrell; Rore Allanson in Culbokie; Alexander McKenze, apparent of Fairburne; John Grant Roy in Vrquhart, Thomas McKenze in Fayrknok, Ronald Bane, burges of Dingwell; Master William Fercharson, servitor to John Grant of Fruquhye; Alexander Wynchester, minister in Elgin; and Schir Johne Gibsone, parson of Vnthank, notary public, etc. There is a note on the back of the contract, dated 27th July 1570, in which the cautioners and curators consent to the registration of the contract.

312. Letters of Suspension under the Signet of King James the Sixth, made at the instance of John Grant of Fruquhy, Patrick Grant of Balnedallocht, Patrick Grant of Dalvay, Duncan Grant of Cloischear, and Patrick Grant of Ratymurcus, against George Bishop of Murray and Lauchlane Makintocht, complainers, who plead that the feu-maills of their lands are alleged by the Bishop to be a part of the patrimony pertaining to the bishopric of Murray, and that he, having purchased letters of the King authorising him to uplift the fruits of his bishopric, has charged them to make payment of the feu-maills of the crop and year 1573 last past and so in time coming; and that, for alleged non-payment of the same, he intends wrongously to put them to the horn. They also show that Lauchlane Makintocht alleges that he has in life-pension one thousand merks, to be uplifted

yearly in equal portions at Whitsunday and Martinmas, from the readiest feu-maills, etc., pertaining to the said bishopric, and that the feu-maills referred to being resigned to him in part payment thereof, he has also purchased letters of the King, and caused charge the complainers to make payment to him of the same for several years and terms past as well as in time coming, during his lifetime, within ten days after the charge, under the pain of rebellion and putting them to the horn, and for alleged non-payment thereof intends to put them to the same. The complainers will thus be doubly charged and put to the horn for the feu-maills of their lands, although they are content to pay these to any one of the parties having most right thereto. For these causes, the letters summon George Bishop of Murray and Lauchlane Makintocht to compear before the Privy Council, at Edinburgh, on 20th June instant, and bring with them evidence of their rights to the feu-maills referred to, as well as all letters purchased by either of them thereupon, that it may be decerned that the complainers make payment of their maills to the rightful owner of them, all letters and processes of horning to be for the time suspended. The suspension is dated at Edinburgh, 8th June, and of the King's reign the seventh year [1574].

313. Extract Decreet by the Lords of Council anent a supplication given in to them by John Grant of Frewchquhy and Isbell Grant, his daughter, against John Leslie of Balquhane, narrating that a contract was made between the said John Leslie on the one part, and John Grant and his said daughter on the other part, whereby the said John Leslie bound himself and his heirs and assignees to maintain and suffer the said Isbell to bruik and occupy the lands of Kirkhill, Mostoun, Calleauch, Blarendynie, Ochlyne, with the mill of Ochinnallene, in the barony of Balquhane and shire of Aberdeen, according to her title of conjunct feftment thereof, with various other points contained in the contract, which bore an express consent of both parties that it was to be acted and registered in the Books of Council, as the said contract, dated 21st January 1575, bears; which contract the said John Leslie of Balquhane would neither fulfil nor compear before the said Lords and consent to the registering thereof, that execution might follow thereon: Also anent a warning given to him on a certain day bypast, to have compeared before them to have heard and seen the same registered, and the Lords' authority interponed thereto, etc., as contained in the supplication, the said John Grant of Frewchquhy and his said daughter compearing by their procurator, Mr. Thomas Harwie, and the said John Leslie of Balquhane being warned, and oft times called and not compearing, the Lords of Council ordain the said contract to be inserted and registered in the said books of Council, to have the strength of a decreet, and letters and

executorials to follow thereupon. The contract is engrossed, and is in substance as follows :—At Elgin, 21st January 1575, it is agreed between John Grant of Fruquhy for himself, and taking burden upon him for Isbell Grant, his daughter, and the said Isbell for her own ends, on the one part, and John Leslie of Balquhain on the other part, that the said John and Isbell Grant shall oblige themselves to "set forther-ward" the cause of divorce else moved and intented by the said Isbell against the said John Leslie of Balquhane, before the commissaries of Edinburgh, as yet undecided, and shall do their exact diligence to obtain sentence of divorce, between the date hereof and the 15th day of April next to come, so that the said Isbell and John Leslie might be simpliciter separated and divorced, so that either might marry again ; and the sentence of divorce being so obtained by the said Isbell against the said John Leslie of Balquhane, the said John Grant of Fruquhy for himself, and taking burden upon him for his daughter, and the said Isbell for her own interest, bind and oblige themselves that she shall come in judgment before a spiritual or temporal judge, having sufficient power to the effect after specified, within fifteen days after the pronunciation of the sentence of divorce, and renounce and overgive that part of her conjunct-feftment of the lands of Erlisfeild and Seggiedene, lying in the barony of Balquhane and sheriffdom of Aberdeen, in favour of the said John Leslie of Balquhane, his heirs, assignees, tenants and sub-tenants, and cottars, to be used by them at their pleasure : In return for which premises the said John Leslie binds and obliges himself, his heirs and assignees, to maintain and permit the said Isbell to enjoy, occupy, and labour the lands of Kirkhill, Mostoun, Calleacht, Blairindynie, Auchlyne, with the mill of Auchincelleane, in the barony of Balquhane and sheriffdom of Aberdeen, according to her title and conjunct-feftment thereof, during her lifetime, without molestation by the said John Leslie, and to enter her thereto peaceably within ten days after the pronouncing of the sentence of divorce ; and to make free the half town of the lands of Auchlyne and mill of Auchtanelleane, presently wadset by the said John forth of the hands of John Leslie of the Law and Bessie Forbes his spouse, and Patrick Innes of Newbigging and —— Leitht his spouse, to warn them for redemption thereof against the feast of Whitsunday next to come, and do his diligence to obtain decreet of redemption against them between Whitsunday foresaid and the feast of Candlemas 1576, etc., so that the said Isbell may peaceably enter to the said lands, and failing thereof, to pay to her 1000 merks Scots within forty days after the said feast of Candlemas ; and to content and pay to her yearly the maills, fermes, profits, customs, and duties of the same till they were made free to her : Of all which lands of Kirkhill the said John Leslie is content that the said Isbell enjoy the teind-sheaves, and obtain assedation thereof from the Abbot of Lindores and parson of

Clett, or any other having right thereto, etc. The said John Leslie also binds himself not to molest the said Isbell in her possession of the lands, nor receive any of her tenants, in case they should seek to remove and leave her lands waste, etc.; he also binds himself to infeft, by charter and sasine, John Leslie, his and the said Isbell's son, and the heirs-male of his body, in the lands of the Mains of Balquhane, which, failing heirs-male of his son's body, are to return to the said John Leslie of Balquhane, and his heirs-male, to be held of the King and his successors, Kings or Queens of Scotland, reserving the frank-tenement to the said John Leslie now of Balquhane, between the date hereof and Whitsunday 1577, and the said John Grant and Isbell bind themselves to relieve the said John Leslie and his heirs of the few-maills of the foresaid lands, and to obtain acquittances for the same and deliver authentic copies thereof to the said John Leslie. Both parties agree that this contract be registered in the Books of Council, and appoint procurators to that effect, "haldand thir presentis als sufficient to thair procuratouris for registering of the same as gif thay and ilk ane of thame had send thair speciall missives to that effect to thair saidis procuratouris." Witnesses, Patrick Grant of Dalwey, Mr. William Grant his brother, Alexander Gordoun of Baldorny, Mr. Alexander Leslie, parson of Kincardin-in-Ross, and Sir Johne Gibsone, notary public. And because the said John Leslie of Balquhane had been lawfully summoned on a certain day bypast to have heard and seen the said contract registered, or else to have shown a reasonable cause why the same should not be done, with certification that if he failed to compear before them, the Lords would decern in manner foresaid, and as he failed to compear, therefore this decreet for registration is granted. Dated at Edinburgh, 5th March 1576.

314. NOTARIAL TRANSUMPT of a Protocol, dated at Fruquhy, 20th May 1580, bearing that on that day John Grant of Corromony granted and consented that the co-notaries should make a procuratory for resignation of the lands underwritten in the King's hands, in favour of Duncan Grant, apparent of Fruquhy, and his heirs-male, reserving the life-rent of the same to himself, and John Grant of Fruquhy shall give to him the half of the town and lands of Clowne, for all the days of his life, in the lordship of Badzenoche and sheriffdom of Inverness; whereon Duncan Grant asked instruments. Present, Patrick Grant of Glenmoristoun, William Hay, apparent of Mayne, John M^cAllan, son of William M^cAllan in Achennarryr, Donald M^cConche Grant, servitor of Duncan Grant, William Gregor and William Cuming co-notaries public. Follows the tenor of the mandate and procuratory, directed to James the Sixth, King of Scotland, by his humble liege and servitor John Grant of Corromonye, whereby he appoints his procurators, to resign the four pound lands of Corromony,

the four pound lands of Morull, the eight pound land of the four Mekliis, the forty shilling land of Deweache, and the half of the lands of Mekle Cloune, extending to a 20s. land, and the 40s. land of Pitcarrill Croy, extending in all to a 27 pound land, in the barony of Vrquhart and shire of Inverness, held of his Majesty immediately in chief, in the King's hands as lord superior thereof, and hereby resigns the same in favour of Duncan Grant, apparent of Fruquhy, and his heirs-male, reserving to himself the frank-tenement thereof. At Fruquhy, 20th May 1580. Witnesses as above.

315. CHARTER by John Grant of Fruquhye, whereby for certain sums of money paid to him by his well-beloved son, Patrick Grant of Rothemurcus, at the making of the charter, he sells and confirms to the said Patrick Grant of Rothemurcus, his son, and the heirs-male of his body, whom failing, his nearest heirs-male whatsoever bearing the arms and surname of Grant, his lands of Ouir Finlarg, *alias* Mukroch, with mill and miller's croft, croft of Fennachie, and west half of the lands of Achnahandat, in the barony of Strathspey, regality of Spynie, and shire of Elgin and Forres: To be held by him and the heirs above-written, of the granter and his heirs, in feu-farm and heritage for ever, with power to labour and till new cultivated parts, etc., for payment yearly to the granter and his heirs of the sum of six pounds Scots, as the ferme in use to be paid by the granter, also two bolls of oats eight shillings, and one mart twenty-four shillings Scots, extending in all to the sum of seven pounds and twelve shillings, at Whitsunday and Martinmas in winter, by equal portions in name of feu-farm: the said Patrick, his heirs aforesaid, and the inhabitants of the lands being bound to concur with the granter and his heirs in the king's service for defence of the realm, and also for defence of the granter's country, lands and goods, and his heirs and friends, against any invaders of them, when need shall be, and they are required thereto, with arms according to the custom of the country. Contains a clause of warrandice in the usual form, and also from all nonentries, ladies' terces, etc., and specially from all payment of feu-farm and action which might arise or be moved by the Bishop of Moray or his successors, the granter's lord superior of the said lands, against the said Patrick or his heirs, for not payment of the duty [canonem] yearly, due from the said lands, or for any other cause; with a precept of sasine. Subscribed and sealed at Ballachastell, 26th December 1580. Witnesses, Patrick Grant of Glenmorcistoun, John Grant, brother-german of Patrick Grant of Balnadallach, and others. Signed, "Johne Grant of Fruquhye."

316. CHARTER OF APPRISING under the great seal of King James the Sixth, narrating letters of apprising directed to John Forsyth, Falkland pursuivant, sheriff in that part, and his colleagues, making mention, that at the term assigned by the Lords of

Council to Mr. Robert Creichtoun of Eliok, advocate, and James Grant in Auchirnak, donator, having a gift made by the King's late father and mother to him, his heirs and assignees, of the nonentry duties, ferms, and profits of the lands of the two Auchnareis, Downane, and Le Poirt, extending in whole to a fifteen merkland, in the shire of Inverness, which pertained to Patrick Reoch of Auchnarriis for all the years and terms bypast in which the said lands had been in the hands of the King's father and mother, or the King's predecessors, superiors of the same, by reason of ward and nonentry after the decease of the said late Patrick, or other last lawful possessors thereof, immediate tenants of the same to the King's said father and mother or his predecessors; and in like manner for all years and terms to come, until the entry of the lawful heir thereto being of perfect age, as more fully contained in the letters of gift by the King's parents, under the privy seal, to the said James Grant, his heirs and assignees, dated at Edinburgh, 4th March 1565;—against Nicholas Cuming, grandson and heir, at least apparent heir, to the said deceased Patrick Reoch of Auchnarriis, Downane, and Le Poirt, pretended heritable possessor of the foresaid lands, and all others having or pretending interest to them, for probation of the annual profits and duties of the said lands, which were decerned to have been and to be in nonentry in the hands of the King's mother and his own, as superior, by reason of nonentry since the decease of the said Patrick Reoch, in the year 1513, to the date of the principal letters of summons, which is the 21st January 1580, being the space of sixty-seven years or thereby, as in the decree of nonentry, acts, letters, and whole process is more fully contained, the Lords of Council modified the annual duties and ferms of the said lands in nonentry from 1513 to 21st January 1580, extending yearly to the sum of £40 Scots, and decerned them to pertain to the Crown as superior, and to the said James Grant as donator; also decerned that the readiest moveable goods and gear upon the foresaid lands should be poinded and apprised to the said donator; and failing such goods, ordained the ground and property of the said lands to be poinded and apprised to the said James Grant, donator, and the said Nicholas Cuming to pay the said James Grant the sum of £20 Scots, for his expenses in prosecuting the action and obtaining the decreet of the Lords of Council, with 40s. paid to the collector of the Lords by the said James, as more fully contained in the decreet dated 27th January 1581: which letters of apprising charged the Falkland pursuivant foresaid to arrest, poind, and distrain the moveable goods on the said lands, or failing of them, the ground and property of the lands to the donator foresaid, for payment of the duties, ferms, and profits of the years foresaid, according to the gift of nonentry and decreet foresaid, and for the £20 for expenses, with 40s. paid to the collector, according to the tenor of the decreet of the Lords of Council, as is more fully contained in the said letters, of date the 27th

January 1581; at command of which the said Mr. John Forsyth, Falkland pursuivant, sheriff in that part, passed on the 13th July 1583 to the said lands, and having examined the distrainable goods thereon, he could find no moveable goods thereon sufficient to distrain for the said sums, and therefore instantly on the ground of the lands made proclamation that the property of the said lands would be apprised before him and his colleagues in a court to be fixed by them to that effect in the tolbooth of the burgh of Inverness, to be held on 9th October, warning the said Nicholas Cuming, as grandson and heir of the foresaid Patrick Reoch, to appear at such court; afterwards on the 14th July the pursuivant entered the dwelling-house of the said Nicolas in Preslaw, and warned him to compear before him and his colleagues the foresaid day and place, affixing a copy of the said letters and schedule, containing time and place, on the door of his said dwelling-house, after knocking nine times, and on the 15th July 1583, made proclamation at the market cross of the burgh of Inverness, that the said lands were to be apprised, and warned the said Nicolas to compear, etc., affixing an authentic copy of the letters on the market cross; and on the same day in the tolbooth of the burgh of Inverness he held and fenced a court of apprising, and directed precept to summon an assize for the 9th day of October. The assizers were John Campbell of Calder, David Ros of Holme, John Stewart of Kincardin, Alexander Dollace of Buddoch, John Cuthbert of Auld Castel, William M'Allan in Achenairne (Auchnarrow), Patrick Grant in Tulloch, John Grant in Kinbeathe, John Grant in Conneges, Archibald Grant in Balletoun, John Grant of Wester Ellochy, Duncan Grant of Reak, John Grant of Clune, Patrick Grant of Dalvay, and William Cuthbert, burgess of Inverness, and the said assize being held by the said Mr. John Forsyth, pursuivant, none appearing to object, the said lands were apprised at a fifteen merkland of old extent, paying yearly in ferms, etc., £53, 15s., the boll of victual being computed at 20s., for the sum of £2423, 15s. Scots, and £103, the herald's fee, amounting in all to the sum of £2543, 15s.; the said lands being held immediately of the King and his successors, for service of ward, relief, marriage, and nonentry; and after public proclamation, no buyers being found, the said lands were apprised to the said James Grant of Auchirnak, donator foresaid, for the said sum. The King therefore, in virtue of the before-mentioned proceedings, gives and grants the said lands of the two Achnarriis, Downan, and Lie Poirt to the said James Grant, to be held by him, his heirs and assignees, of the King and his successors, in fee and heritage, for rendering of ward, relief, marriage, nonentry, and other duties, if any were, rendered by the said Nicolas Cuming before the said apprising. Giving also to the said Nicolas Cuming, his heirs and assignees, a right of entry to the said lands when he or they should pay to James Grant the sum for which the lands were

apprised, such payment, however, to be made within seven years, the ferms and profits of the lands to be meanwhile uplifted by the said James Grant, his heirs and assignees, in payment of the said principal sum and expenses of this new infeftment. Dated at Edinburgh, 1st May 1585.

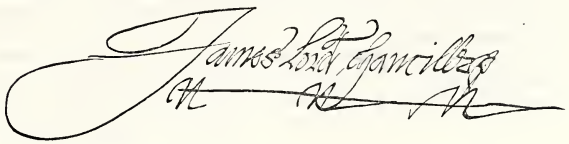
317. Letters of Summons at the instance of John Grant of Frewquhy, oy and heir of the late John Grant of Frewquhy, his guidsire, and of Patrick Grant of Rathymwrcheis, John Grant of Kinveachie, and James Grant of Auchternettir, his curators, for their interest, complainers, narrating a contract made at Edinburgh, the 17th March 1558, between the said deceased John Grant of Frewquhy, for himself, and taking burden upon him for his daughters, on the one part, and the deceased John Grant of Ballindalloch, and Patrick Grant, his son, got betwixt him and Barbara Gordoun, his spouse, on the other part, by virtue whereof it was contracted that the said Patrick Grant, and failing him by decease, John Grant, his youngest brother, should marry Grissell Grant, daughter to the said deceased John Grant of Frewquhy, got betwixt him and Margaret Stewart, his spouse; whom failing, Elizabeth, and failing her, Katharine, also his daughters; whom failing, the eldest of his daughters "successive in ordour maist equivalent for thame to marie," and that the said Patrick should solemnise the marriage between the date of the contract and Martinmas 1562; that if the said Patrick deceased unmarried, his brother John should marry one of the said John Grant's daughters nearest to him in age, and solemnise their marriage at their age of twelve years complete; that the said deceased John Grant of Frewquhy should purchase dispensations upon his own expenses; that the said Patrick Grant, and failing him, John Grant his brother, with advice of the said deceased John Grant of Ballindalloch, their father, and then their lawful administrator, tutor, and governor, for his interest, should, immediately after completing the marriage, cause himself and the daughter of the said deceased John Grant, to whom he was married, to be infeft in conjunct-fee, and the heirs-male of their bodies; whom failing, the said deceased John Grant of Ballindalloch's heirs-male whomsoever, in the lands of Tullochcharrone, to be held of the King, his mother, and the King's successors; that for sure completing of the marriage, the said deceased John Grant of Ballindalloch should infeft the said Grissell, whom failing by decease, the said Elizabeth, etc., in liferent, by charter and sasine, in the lands of Mekill Invernarne, Cowle, Roy Gilliequhaine, Loyneardochy, to be held of the King and his mother, and in the lands of Bogsyde, to be held of the Friars Preachers of the burgh of Elgin, under reversion to be given by them, with advice of their father, to the said deceased John Grant of Ballindalloch, his heirs and assignees, bearing that whenever the marriage was completed, and infeftment given, as above,

in the lands of Tullocheharrone, or if the marriage failed through default of Grissell, or any other of the late John Grant of Frewquhy's daughters, the said deceased John Grant of Ballindalloch should have free regress and ingress to the said lands of Mekill Invernairane, etc. And the said deceased John Grant of Frewquhy bound himself that none of his daughters should uplift or crave any maills, etc., from the said lands till Whitsunday 1562; and also that the said deceased John Grant of Ballindalloch should infeft heritably, by charter and sasine, the said deceased John Grant of Frewquhy, and his heirs, in the lands of Cardellis and Piteroy, which pertained to the late Alaster Grant, his brother, and that he should enter heir to his brother, and resign the lands in the hands of the superior and convent of the Friars Preachers of Elgin, for such infeftment to be made between the date of the contract and 20th May next thereafter; and also the said deceased John Grant of Ballindalloch should cause Patrick Grant of Dalvey, his brother, and the rest of his brothers, give over all right and claim of right which the said deceased Allester, or they as cessioners, etc., to him, had or might have against the said deceased John for himself, and as son and heir of the deceased James Grant of Frewquhy, his father, for the violent ejection, if any was, of the said Allester from the said lands of Cardellis and Piteroy, and violent occupation of the same from him and them, and profits he or they might have had since the ejection, and to give sufficient discharge thereof, as the said deceased John Grant of Ballindalloch by the said contract gave; and the said deceased John Grant of Ballindalloch bound himself that if the said deceased John Grant of Frewquhy required him to pay to him 1000 merks Scots in his lifetime, such payment should be made, but neither to nor by the heirs of either. For which causes the said deceased John Grant of Frewquhy, for him and his heirs, discharged to the said deceased John Grant of Ballindalloch, his sons and brothers above specified, all acts, contracts, bonds, or promises made between them and the said deceased James Grant of Frewquhy, his father, or him the said deceased John Grant of Frewquhy before the date of the contract, and all rancour, hatred, and malice of his heart conceived against them, and all action, plea, or debate he had or might have against them for any manner of action or cause bygone, "and to stand as amiabill guid cheif and maister to thame than in tymes cuming." And the said deceased John Grant of Ballindalloch and his son Patrick bound themselves and their heirs-male in time coming not to take in assedation tacks or kirks within the bounds of Strathspey, except so much as they were then in possession of, without special license of the said deceased John Grant of Frewquhy and his heirs-male had and obtained; with special provision that the said contract should be inserted and registered in the Books of Council, and decerned to have the strength of an act and decreet of the Lords thereof, etc. The contract was subscribed in duplicate by both

parties, one copy being delivered to the said deceased John Grant of Frewquhy, and the other to the deceased John Grant of Ballindalloch. The copy delivered to the deceased John Grant of Frewquhy, grandfather of the complainer, was in the subscriptions either riven by some malicious person, or by negligence and evil keeping almost worn away, nevertheless the said duplicate was subscribed on the margin, after an addition made to it, which subscriptions still stand perfect, and the writers and witnesses are still alive who can verify the contract. Wherefore it became necessary to have the said duplicate compared with that given to the deceased John Grant of Ballindalloch, now in the hands of Patrick Grant of Ballindalloch, his son and heir, or at least universal successor to him in his lands and heritage, or at least was in his said father's hands, and fraudfully destroyed or put away by him, etc.; and when sufficiently verified before the Lords of Council, to have the said duplicate registered in the Books of Council, etc. Nevertheless, the said Patrick Grant, now of Ballindalloch, would in no wise produce or exhibit the said duplicate delivered to his said father, nor consent to the registration of the other copy delivered to the complainer's grandfather: Wherefore the said Patrick Grant, now of Ballindalloch, is now summoned to compear at Edinburgh, on and produce the duplicate of the contract delivered to his father to be registered, or show a reasonable cause to the contrary; further, that the Lords may receive probation of the tenor and contents of the double delivered to the said deceased John Grant of Frewquhy, and decern the same to have as great force and strength as the principal. Given under the signet, at Edinburgh, 25th July 1586.

318. Letters of Assignation by James Lord Stewart of Newtoun, late Chancellor of Scotland, etc., donator, by gift of the King to him, his heirs and assignees, of the ward, nonentry maills, fermes, profits, and duties of all lands, baronies, etc., which pertained to the late John Grant of Freuchie, and the late Duncan Grant his son and heir-apparent, for all years and terms since the decease of the said John or Duncan Grant, and to come during the ward and nonentry thereof; with relief, when it shall happen, and the marriage of John Grant, eldest son of the said Duncan, and oy and heir-apparent of the said John and Duncan deceased, whom failing, of any other heir that should succeed to the lands and heritage, as more fully contained in letters of gift, since confirmed by the King, and containing a new disposition thereof, of which gift and new disposition thereof, in consideration of certain great sums of silver paid by Patrick Grant of Rathimorcus to Lord Stewart, the latter makes the said Patrick, his heirs and donators, cessioners and assignees to the said ward, etc., and substitutes the said Patrick in his right thereto; delivering the letters of gift to the said Patrick; providing he should not be further bound in warrandice, but from

his own deed only. Subscribed at Cragyhall, 2d September 1586, before Henry Stewarte of Cragyhall, Archibald Stewarte at the Queinsferrie, and George Bruce, notary. "M. Hare Steuart off Cragehall, witnes," etc.



319. SUMMONS charging Jane Leslie, Lady Nauchtane, to compear before the King and his Council at Edinburgh, on the 22d of December next, in answer to a complaint made by John Grant, now of Frewquhy, grandson and heir of the deceased John Grant of Frewquhy, Patrick Grant of Rathomureus, John Grant of Kinbeachie, and James Grant in Auchernak, curators to the said John Grant of Frewquhy, for their interest, stating that the said late John Grant of Frewquhy, at the time of his decease, in the month of June or thereby, in the year 1585, had in his possession, and in his dwelling-place of Frewquhy, heirship goods of the value and prices following, to wit,—"Ane cheinzie of gold," weighing xx ounces, price of each ounce xxx lib.; a pair of golden "braislattis," weighing vj ounces, of the same price; "ane syde nekit clok of fyne Franche blak, foirlappit with blak welwott," price thereof x poundis; a doublet of black satin, price thereof xxx lib.; "ane pair of breikis of grograne of silk," price thereof xx lib.; a green "burde clayth" of five ells of length and six quarters of breadth, price of the ell l s.; "ane knok ovirgilt with gold, price thairof ten crownis," price of each crown l s. money; "ane futmantill of fyne Scottis blak," price of the same xij lib.; which heirship goods Jane Leslie, Lady Nauchtane, relict of the said deceased John Grant of Frewquhy, although executrix, or at least universal intromitter with the said goods and gear, would in no ways deliver to the said John Grant now of Frewquhy, as good as they were at the time of the said John Grant's decease, to be used by the complainer as his proper heirship goods, or the worth thereof, as is above written. The summons also charges witnesses to compear day and place before mentioned. Given under the signet at Edinburgh, 26th November 1586. The Messenger's execution is indorsed.

320. CHARTER by James Grant in Auchirnak, whereby he grants, sells, and alienates *ex titulo oneroso* heritably, to John Grant of Fruquhe, his lands of the two Auchnarris, Downan, and the Port, in the sheriffdom of Inverness, extending in whole to a

fifteen merk land, for a great sum of money paid to him therefor: To be held by the said John, his heirs and assignees, from the granter and his heirs and assignees, of the King and his successors, Kings or Queens of Scotland, in feu and heritage, for rendering to the King ward, relief, marriage, nonentry, when they occurred. Contains a clause of warrandice and precept of sasine, and is dated at Frequhy, 2d October 1589. Witnesses, Mr. James Grant, brother-german of the foresaid John Grant of Fruquhy, William M^cAllan in Achenarriis, William Cuming and William Gregor, notaries, and others. Signed, "I, James Grant in Achernak, w^t my hand at the pen led be Villiam Cuming, notter publict and ſref clark of Inũnes, at my ꝑmand, be me speeyale requirit herto."

321. CONTRACT for the marriage of John Grant of Frenchie and Lilias Murray, second daughter of Sir John Murray of Tullibardin, knight, whereby the said John Grant engages to marry the said Lilias betwixt the date of the marriage-contract and the first day of August thereafter; and also engages to resign in the hands of his superiors for new infeftment, in favour of him and his wife, all and sundry the Mains of Mulben, the lands of Mekill Ballinbroth, Litill Ballinbroth, Mekill Muldareis, Litill Muldareis, and the Mains of Knokendoch, with the myln, etc., thereof, all to be held to the said John Grant of Frenchie and the said Lilias Murray, his future spouse, and the longest liver of them, in conjunct-fee, and to the heirs-male to be gotten between them, whom failing, to the heirs of the said John Grant contained in his old infeftments of the said lands and others foresaid: or else he shall, by his own charters containing precepts of sasine, infeft the said Lilias for all the days of her life in all and sundry the foresaid lands, to be holden of their said superiors, with their confirmation to follow thereupon, which of the two it shall best please the said Sir John Murray to accept for the said Lilias his daughter's security, for the yearly payment as above rehearsed: which lands give presently, and are worth yearly in good estimation, twenty-five chalders of "chereteit beir, mercat stuff, ane mercat met," over and above silver and other duties, and John Grant obliges him and his heirs to warrant the same lands to be worth and to give so much yearly to the said Lilias, and that she shall be thankfully answered and obeyed of the foresaid haill yearly duty during her lifetime at the terms of payment used and wont, providing always that if so much victual as the said lands assigned to the said Lilias in conjunct-fee or liferent pays more than the said quantity of twenty-five chalders of bear, etc., the said Lilias Murray shall be obliged to refund, pay, and deliver the said superplus of the victual above the said twenty-five chalders bear to the said John Grant's heirs and successors succeeding to the living of Frenchie: Also the said John Grant binds and obliges him and his foresaids to renew the said infeftment as

often as he or they shall be required thereto by the said Sir John Murray during his lifetime or after his decease by William Murray, his eldest son, or any other son succeeding to him in his living of Tullibardin, as long and until the said Lilias be sufficiently infeft and seased for her lifetime in the lands and others foresaid, conform to the old infeftment of the same; and in case it shall happen the said Lilias to decease without heirs-male gotten between the said John Grant, her future spouse, and her, or that she should only have daughters of the said marriage, so that other heirs, either heirs-male or of tailzie, succeed to the said John in the living of Freuchie, in that case the said John Grant of Freuchie for himself, and taking burden on him for his said heirs-male and of tailzie and others succeeding to the living of Freuchie, shall thankfully content, pay, and deliver to that daughter and heir-female gotten of the said marriage, in case there be but one, the sum of 10,000 merks money, and if there be two daughters, the sum of 16,000 merks, to be distributed betwixt them by the advice of the Lairds of Tullibardin and Freuchie, the said two daughters being ready for marriage, and using their advice in the said marriage; and if there be more daughters and heirs-female than two, the sum of 6000 merks money to the eldest, and every one of the rest of the daughters the sum of 5000 merks money, for advancing and furthering of them and either of them to an honourable marriage, they using the advice and consent of the said two Lairds in their marriage: For the which causes to be fulfilled by the said John Grant of Freuchie to the said Lilias, his future spouse, the said Sir John Murray of Tullibardine, knight, binds and obliges him, his heirs and executors, to thankfully content, pay, and deliver to the said John Grant of Freuchie, his heirs, executors, and assignees, in name of tocher with the said Lilias Murray, the sum of eight thousand merks money of this realm in manner following; the said whole sum of eight thousand merks money to be paid betwixt the date of this contract and the feast of Pasche, in the year of God $j^{m}v^{c}$ fourscore and fourteen years; and both parties bind and oblige them faithfully hereto, and for the more security thereof, consent that these presents be acted and registered in the Books of Council, to have the strength of an act and decreet of the Lords thereof, with executorials of horning or poinding to pass thereupon, etc. In witness whereof, both the said parties have subscribed this present contract at Gask, the 15th day of April 1591, before these witnesses, William Sutherland of Duffois, Patrick Grant of Rothiemurchus, James Murray of Pardewes, John Cumming of Ernsyd, Patrick Dunbar of Blarie, Mr. Thomas Craig, advocate, and Robert Craig, his brother.

322. CHARTER by King James the Sixth, under the great seal, confirming a charter by John Grant of Fruquhy, proprietor of the lands undermentioned, whereby for certain sums of money due by him to the grantee, and in satisfaction of his portion natural and bairn's

part of gear falling by decease of Duncan Grant, apparent of Fruquhy, father of the grantee, by legacy or otherwise, the said John Grant sells, and dispones to Patrick Grant, his brother, his lands of Kysseryne, viz., Strome Meanach, Strome Castell, with castle and fortaliee of Strome, Reraik, Auchintraid with the Glen, Auchvane, Tawnethane, Auchzele, Braklache, Achadill, Achate Arenachtane, The Downe, Slumba and Strome Carenache, with the office of constable thereof, in the shire of Inverness: To be held by the said Patrick, his heirs and assignees, from the granter and his heirs, of the King and his successors, in fee and heritage for ever, for rendering services due and wont. The charter is dated at Ballachastell, 10th July 1589, and is confirmed in due form at Holyroodhouse, 13th July 1593.

323. Contract of Marriage made between John Grant of Freuquhy, for himself, and taking burden upon him for Elizabeth Grant, his sister, on the one part, and Thomas Cuming of Altir, for himself, and taking burden upon him for Alexander Cuming, his eldest son and apparent heir, and the said Alexander for his own interest on the other part, whereby the said Alexander agrees to marry the said Elizabeth Grant, with solemnization thereof in face of holy kirk, between the date and 20th July next to come. The said Thomas Cuming of Altir becomes bound to cause the said Alexander and Elizabeth, the longer liver of them, and the heirs-male of their bodies, whom failing, the said Alexander's nearest heirs-male bearing the arms of Cuming, to be infeft in the town and lands of Tulledewie, with mill-town and multures, and salmon fishing of the same, in the lordship and regality of Vrquhart and shire of Elgin and Forres; the lands of Logye, Aribrie, Lyne, Clunairnie and Dollesbrauchtie, in the lordship of Spynie and shire of Nairne; the town and lands of Blackhillis, Riminnour, and Rowmichie, in the barony of Dolles and shire of Elgin and Forres and other lands named: To be held of the said Thomas as he held them for the payment of the yearly maills and feu-duties, with warrandice from wards, etc., except a liferent tack of Clunairnie, set to Alexander Dunbar of Inshebrok, and Jonet Cuming, his spouse; and for better security, the said Thomas engages to make Margaret Gordoun, his spouse, appear before the commissary of Moray and renounce her conjunct-fee and liferent right of the said lands, in favour of the said future spouses, which renunciation the said Thomas engages to ratify. And because the town and lands of Logye were in wadset in the hands of John Ross of Ballewatt, upon a reversion for payment of £1000 Scots, together with a letter of tack of the lands of Logye for three years after the redemption thereof, for payment of the feu-maills to the superior, as contained in letters of reversion, dated at Ballewatt, 19th October 1585; and also the town and lands of Dollesbrauchtie, in wadset to

James Cuming and Marjorie Ros his spouse, for 460 merks, as contained in the letters of reversion, dated at Elgin, 17th July 1565; also, Blackhillis, Rininnour, and Rowmichie, wadset to Katherine Gordoun, relict of the deceased James Innes of Dranze, liferenter thereof, and Alexander Innes of Cokstoun, now her spouse, for his interest, and in the hands of James Innes, fiar thereof, upon reversion for 1200 merks, to be paid in the parish kirk of Elgin, etc., as contained in letters of reversion, dated at Dranze, 19th June 1561; to which three letters of reversion, the said Thomas and Margaret his spouse, for her interest, hereby make the said Alexander and Elizabeth his future spouse, and the heirs-male of their bodies, their cessioners and assignees, and transfer all their right thereto to them, and in token of assignation, deliver at the making hereof to the said Alexander and the said John Grant of Freuquhy, in name of the said Elizabeth Grant, the three letters of reversion, to be kept and used by the said Alexander and Elizabeth as their own proper evidents; of which the said John Grant of Freuquhy grants receipt, and engages to make them forthcoming to the said Alexander and Elizabeth, and their heirs, whom failing, the heirs of the said Alexander, for redemption of the said lands: Providing always, that although the said Thomas Cuming had sealed and subscribed infeftments of the said towns and lands of Wester Logye, Dollesbrauchtie, Blackhillis, Rininnour and Rowmichie, to the said Alexander and Elizabeth, and their foresaids, the said Thomas shall not be obliged in warrandice of the said wadset lands till they be redeemed, by virtue of the former reversions: also, whereas the said Thomas Cuming had sold and alienated to Thomas Cuming, his second son, in liferent, the lands of Drummyne and Presley, and heritably to his heirs-male and assignees, whom failing, to return to the house of Altyir, upon reversion containing the sum of 500 merks; and to James Cuming, his younger son, in liferent, the town and lands of Ballewraych, and heritably to his heirs-male and assignees, upon reversion containing the sum of 500 merks, the said Thomas binds himself not to sell, nor wadset, nor set in tack to the said Thomas nor James Cuming, his sons, any other lands except these, nor make them have the lands in any better case, except in setting to them the teinds and vicarage of the said lands. Further, the said Thomas agrees to make similar infeftment to the said Elizabeth, in liferent, and heritably to the said Alexander, his heirs and assignees foresaid, upon the towns and lands of Mekill Bounchell, Craigton, and Craigmylne, in the earldom of Moray and shire of Elgin and Forres, reserving his liferent thereof, and Margaret Gordoun, his spouse's liferent, of the milne of Craigton, mill and mill crofts thereof, to be held of the heir or heirs of the deceased James Earl of Moray, etc. And in case the said Alexander depart this life without heirs-male of his body, the provision above written shall not be prejudicial to the said Thomas or James Cuming, to succeed to the lands and baronies of Altyir and Dolles, nor other

lands now possessed by the Laird of Altir, nor to which they might succeed by decease of the said Alexander without heirs-male as aforesaid; and the said Thomas binds himself, and the heirs succeeding him in his lands and heritages, in case the said Alexander decease leaving only heirs-female of his body, to pay to the eldest daughter 2000 merks; to the second, £1000 Scots; to the third, 1000 merks Scots, the time of payment to be fixed by the said John Grant of Freuquhy, his heirs or their curators, to be spent as tochers for them, providing such payment did not light on the said Thomas, or his spouse, in their lifetimes. For which causes the said John Grant of Frenquhy binds himself to pay to the said Thomas Cuming of Altir, his heirs, executors, and assignees, the sum of 7000 merks Scots, in name of "dote and tocherguid," of which 3000 was paid at the date of the contract, for which the said Thomas Cuming grants receipt, and the rest was to be paid to the said Thomas Cuming and Margaret Gordoun, his spouse, and their assignees, 940 merks, between the date of the contract and the penult of October instant 1594; and the said Thomas Cuming of Altir assigns to the said John Grant of Freuquhie the sum of 3060 merks remaining, for the redemption of the said three reversions; which lands of Wester Logye, Dollesbrauchtie, etc., the said John Grant obliges himself lawfully to redeem to the said Alexander and Elizabeth before Whitsunday 1595, and, in case of failure, to infeft them in an annual rent of ten score bolls victual out of the lands of the barony of Knokandoch, to continue till the redemption were accomplished, such victual to be paid or delivered "with the commoun firlot of Elgin and Forres." And the said John Grant of Freuquhye, and Alexander Cuming, bind themselves, in case the said Thomas deceased before Margaret Gordoun, his spouse, to keep and preserve the lands pertaining to her by his decease, and her tenants, safe from all sorning and oppression as they do their own lands, and the said Thomas and James Cuming in their lands above said; and the parties annul all other contracts of marriage made on the premises, and consent to the registration of the present contract in the Commissary Books of Moray. Dated at Altir, 27th April 1594. Witnesses, Patrick Grant of Rothemurchus, Patrick Grant of Blarye, Patrick Grant of Ballandallache, John Annand of Mureston, William Gibson of Sherefmylne, Mr. Archibald McGregor of Tullocheruben, and John Donaldsone, writer of the premises. Signed, "Jhone Grant [of Freuquhye]." "Thomas Cumyng of Altyr."

324. Back-bond and Discharge by Kenneth Mackeinzie of Kintaill, narrating a bond made to him of the same date, by John Grant of Frenquhye, binding him, his heirs and assignees, to refund and redeliver to the said Kenneth, his heirs, executors or assignees, the sum of 2000 merks Scots betwixt the date and Martinmas next,

in case of non-performance by Donald M^c^Angus of Glengarrie, and Alester M^c^Concill vic Angus his son, of certain conditions and clauses made to the said Kenneth concerning his security of the castle, fortalice, and manor place of Strome, half lands of Lochailsche, Lochcarne and Kysryne, and Kirktouns of Lochailsche and Lochcarne, disponed by the said Donald and Alester to him; but as the said John's name had only been borrowed for good-will, and to settle justice between the parties and their kin and friends, the said Kenneth therefore discharges and quit-claims the foresaid John Grant of that part and head of the bond concerning the refunding of the 2000 merks at Martinmas 1606. Dated at Elgin, 16th May 1606. Witnesses, William Sutherland of Duffous, Patrick Grant of Balnadalloch, James Sutherland of Kinsterie, David Brodie of that Ilk, John Grant of Glenmoreiston, Kenneth M^c^Keinzie of Kilchreist, George Annand, and John Donaldsone, notaries. Signed, "Mackenze."

325. LEASE by William Douglas, vicar of Aberlour and Elchies, with consent of Alexander, Bishop of Moray, and canons of the Cathedral Church of Moray, to Lachlan Grant of Wester Elchies, and Elspet Innes his spouse, the longer liver of them and their heirs and assignees, of the small teinds and vicarage of the town and lands of Wester Elchies, in the parish of Elchies, diocese of Moray, regality of Spynie, and shire of Elgin and Forres, such as teind lamb, teind wool, teind calf, teind foal, teind goose, teind gryse, teind hemp, teind lint, teind salmon fishes upon the water of Spey, "mylknes kanis, hallowbrokis," with casualties and profits pertaining to the said lands, for the lifetime of the said William Douglas, and nineteen years after his decease—their entry being at Beltane last bypast, for yearly payment to the said William Douglas and his successors, vicars of Aberlour and Elchies, of the sum of 53s. 4d. Scots as the old duty, together with 3s. 4d. of augmentation, making in all 56s. 8d., at Beltane and Allhallowmes. Sealed with the granter's seal, round seal of the Bishop, and common seal of the Chapter, at Elgin, 9th November 1607, before James Law, Snawdoun herald, Mr. William Clogye, Chancellor of Moray, and others. Subscribed, "Wm. Douglas, Vicar of Abirlour and Elchis." "Alexander Ep^us^ Morauien." "M. P. Grant, Persone of Cromdall," etc. Seals wanting.

326. DISPOSITION in form of Contract between James Earl of Moray, Lord Doun and Abernethie, on the one part, and John Grant of Fruschie, on the other part, by which the former, in consideration that John Grant of Fruschie had paid to him the sum of £20,000 of money of North Britain, sets and in feu-farm lets to him, his heirs-male bearing the surname and arms of Grant, and assignees, heritably and irredeemably, the lands and lordship of Abirnathie, with manor-place thereof, woods

and pertinents in the shire of Elgin and Forres, and engages to infeft the said John therein by charter and sasine; to be held of the said Earl of Moray and his successors Earls of Moray, in feu-farm and heritage, for payment of £40 Scots yearly, with a duplicand at the entry of each heir; and provision is made that the not payment of the feu-duty for two years should be no cause to quarrel the infeftment, notwithstanding any Act of Parliament to that effect; but in case of failure of payment at the half-yearly term of the £20 feu-duty then due, within 30 days after the term, the sum of £40 is to be paid as the double of each term's feu-duty, in each case of failure of payment, etc., for which the Earl may either suit execution at law, or distrain the said lands and lordship. Further, the said John Grant of Fruchie binds himself and his heirs-male, successors and assignees in the said lands and lordship, by themselves or their attorneys, to give suit and presence in one of the said noble lord's principal head courts yearly, to be held after Michaelmas at the Kearne of Kilbwyok, as the principal part where the head courts of the earldom of Moray are accustomed to be held yearly; and agrees to compear in any other of the courts of the earldom, on warning of ten days, to answer, if charged with the failure of payment of the above feu-duty, and to have the lands poinded for such failure, but in that case only, and in no other cause, civil or criminal, should the said Earl, his successors and their bailies, be held judges competent to them. And the said John Grant and his foresaids to pay the King's taxations of the said lands and lordship. With clause of warrandice from wards, reliefs, etc. The Earl agrees to give extracts and transumpts of all evidents made to him or his predecessors of the said lands and lordships; and approves the possession thereof by the said John Grant and his predecessors in time bygone, renouncing all action against him on that account for any maills or duties thereof. Dated at Stirling, 13th April 1609. Witnesses, George Marquis of Huntly, William Master of Tullibardin, James Stewart, parson of Saling, Colin Campbell of Blairn Nairne, and others. (Signed), "Morray." "Johne Grant off Frenquhy."

327. CHARTER by King James the Sixth, under the Great Seal, confirming a charter granted by James Earl of Moray, Lord Doun and Abirnethye, whereby in fulfilment of a contract of the same date, and for certain great sums of money contained in the said contract, the Earl gives, grants, and to feu-farm lets, heritably, to John Grant of Frewchie, without reversion or regress, his lands and lordship of Abirnathie, with manor place thereof, woods, annexes, and dependencies, in the shire of Elgin and Forres; to be held by the said John Grant of Frewchie, his heirs-male and assignees bearing the surname and arms of Grant, of the granter, his heirs and successors, Earls of Moray, in feu-farm and heritage for ever, for payment yearly of

the sum of £40 money of North Britain, at Whitsunday and Martinmas in winter, by equal portions, at least within thirty days after either term, and the heirs-male and assignees doubling the said feu-farm at their entry; providing that the non-payment of the feu-farm should be no cause of annulment of the infeftment, notwithstanding any provision of law or Act of Parliament to the contrary, and other clauses as in the contract immediately preceding. Contains a clause of warrandice and precept of sasine, and is dated at the Castle of Stirling, 13th April 1609. Witnesses, George Marquis of Huntly, John Earl of Mar, Lord Erskine, John Lord Erskine his son, William Master of Tullibardine, James Stewart, minister of Sawling, and others. The charter of confirmation is in the usual form, and is dated at Edinburgh, 17th June 1609.

328. EXTRACT CONTRACT between John Grant of Frewquhie and Thomas Nairne of Cromdaill, by which the latter sells, alienates, and for the sum of 12,000 merks dispones to John Grant of Frenquhie, the heirs-male of his body, whom failing, his nearest lawful heirs-male bearing the arms and surname of Grant, and his assignees heritably, without reversion, the lands of Lethentie, with the tower and fortalice, Over Auchroisk, Mid Auchroisk, Garling, Nether Auchroisk, Kirktoun of Cromdale, Dellichappill and Rinnaballiche, in the barony of Cromdale and shire of Inverness; and engages to infeft the said John Grant in the same; to be held of the King, immediate superior thereof, in fee and heritage, by service of ward and relief, etc., with clause of warrandice from the said Thomas and his foresaids' fact and deed, and engagement to deliver all old evidents and writs of the foresaid lands. Both parties agree to annul all previous contracts: and for the better security of the said John Grant in the said lands, Patrick Grant of Balmadalloch, for himself, his heirs and assignees, renounces the said lands, and all right or claim he had thereto, in favour of the said John Grant. Subscribed before witnesses, Patrick Grant of Rothymurchus, Mr. James Grant of Edinvillie, Patrick Grant of Camdell, Robert Grant of Over Conegas, John Grant of Glenmoreiston, John Stewart of Kinmachlon, Thomas Grant of Hiltoun of Birneyth, Mr. Patrick Grant, parson of Cromdale, and John Donaldsone, notary. Dated at Kirktoun of Cromdaill, 12th May 1609, and registered in the Books of Council, 29th May 1611.

329. CHARTER by King James the Sixth, under the great seal, granting to John Grant of Frewchie, and the heirs-male of his body, whom failing, his nearest lawful heirs-male bearing the surname and arms of Grant, his and their assignees whomsoever, all and sundry the lands of Lethintie, with tower, fortalice, and manor place thereof, the lands of Over Auchrosk, Mid Auchrosk, Garling, Nethir Auchrosk, Kirktoun of

Cromdaill, Dellichappel, and Rinnoballich, with their pertinents, in the barony of Cromdale and shire of Inverness; and all and sundry the lands of Inuerellem, Glenbeg, Gaeycht, Cragane, and Dregye, with mills and fishings thereof, the lands of the Two Auchnarrowes, Downane, and Port, with their pertinents, in the shire of Inverness; which lands of Lethintie, etc., formerly belonged to Thomas Narne of Cromdale heritably; and which lands of Inuerellam, etc., formerly belonged to the said John Grant of Frewchie heritably; and which lands were by the said Thomas Narne and John Grant, resigned in the hands of the Lords of Secret Council, as in the hands of the King, superior of the same, at Edinburgh, in favour of the said John Grant of Freuchie, and for this new heritable charter, under the great seal, to be made to the said John Grant, and his heirs-male and assignees aforesaid: Further, the King, for the good, faithful, and thankful service done to him by the said John Grant of Freuchie, *de novo* grants and confirms to him all the foresaid lands, and all right he, his predecessors or successors, could claim to them, or to the ferms, kanes, or profits thereof, through ward, relief, non-entry, etc. Moreover, the King, for the foregoing causes and other considerations moving him, erects and incorporates all the foresaid lands into a whole and free barony, to be called in all time coming the BARONY OF CROMDAILL, with the manor place and fortalice of Lethintie as the principal messuage, a single sasine taken at which is declared to be sufficient for the whole barony. And further, understanding that the said town of Cromdale lies in a wild and barbarous part of Scotland, far from the sea, and the people around it are rude and barbarous, wanting civility and good manners, and that if it were erected into a burgh of barony, not only would the inhabitants of those bounds become richer and more civilised, but great thefts, robberies, and oppressions, formerly perpetrated in these bounds, would be repressed by dread of punishment; therefore the King, from his natural inclination to reduce his people to civility and good manners, and for policy and decoration of the realm, erects and creates the said town of Cromdale, with all the houses and buildings, waste places, gardens, etc., into a free burgh in barony; with power to the said John Grant of Frenchie, his heirs and successors foresaid, to choose and appoint bailies, one or more, with persons of council, clerks, and serjeants for ruling and governing thereof, and to change them when necessary; with power to the burgesses and freemen of the said burgh to buy and sell wine and wax, etc.; to the Bailies and Councillors to admit bakers, tailors, weavers, etc.; to build a tolbooth prison and market cross, and to hold a weekly market on Saturday, with four free fairs, viz., on St. Luke's, St. Peter's, St. Michael, and St. George's days; and with power to uplift tolls and customs, hold courts within the burgh, arrest and punish transgressors, etc.: To be held by the said John Grant of Freuchie and his foresaids, of the King and his

successors, in fee, heritage, free barony and free burgh of barony for ever, they rendering for the said barony the rights and services due and wont, and for the said burgh in barony the sum of 3s. 4d. money of Scotland yearly at Whitsunday, in name of blench farm. Dated 28th June 1609.

330. Contract of Marriage made between John Grant of Freuquhie for himself, and taking burden on him for Annas Grant, his eldest daughter, and the said Annas with her own consent and for her own interest, on the one part, and Lauchlane Mackintosche of Dunnauchten, with consent of Sir John Campbell of Calder, knight, William Mackintosche of Beandachir, Mr. William Campbell of Brachley, Alexander Hay of , great secretary to the King for the kingdom of Scotland, Angus Mackintosche of Termeit, and William Mackintosche of Belnacrie, his curators, for their interest, on the other part, by which contract the said Lauchlane engages to marry the said Annas Grant, and, before the solemnisation of the marriage, to procure himself served and retoured and seised as heir to the late Lauchlane Mackintosche of Dunnauchten, his grandfather, and Angus Mackintosche, apparent of Dunnauchten, his late father, or either of them that died last vested and seised in the lands and baronies underwritten, to wit, the lands and barony of Cullodin, with tower and fortalice thereof, in the shire of Inverness; the lands and barony of Drumcardenze, in the same shire; the lands and dauauch of Schethin, in the lordship of Badzenoch and shire foresaid; and being so retoured, to infeft before marriage the said Annas Grant in liferent, and heritably the heirs-male of their bodies, whom failing, the said Lauchlane's nearest heirs-male and assignees in the foresaid lands, to be held of the said Lauchlane's immediate superiors, by resignation or confirmation, as should best please the said John Grant of Freuquhye and his heirs, or the said Annas; and that in full contentation to her of all lands and others she might claim through decease of the said Lauchlane by reason of terce, etc., and which she accepts as such. With warrandice and obligation to infeft the said Annas in conjunct-fee in any other lands the said Lauchlane should acquire. The said Annas and Lauchlane, with consent of his curators, in consideration of the great sum of money to be paid as dowry, renounce all right she may have to any goods, gear, lands or others through the decease of her father, except such as it may please him to give her; and the said Lauchlane binds himself to renew the renunciation on attaining the age of twenty-one years complete. And the said John Grant binds himself, his heirs and assignees, to pay to the said Lauchlane, his heirs or assignees, the sum of 10,000 merks Scots, as dowry or tocher, in the parish kirk of Inverness, viz., 5000 merks before Whitsunday next, 1612, under a penalty of 1000 merks, and the other 5000 merks before Whitsunday 1613, under the same penalty of 1000

merks; and the said Lauchlane, with consent of his curators, agrees to employ the 10,000 merks only in redemption of wadsets on the foresaid lands; and in case of no heirs-male of the marriage, to pay 12,000 merks to the daughter, if only one; if two, 8000 to the elder and 4000 to the younger; if three or more, the eldest to have 6000, and each of the others 3000 merks. Dated at Ballachastell, 16th August 1611. Witnesses, Malcolm Makintosche of Ourlaroust, William Mackintosche McJames of Belnacrie, and John Donaldsone, notary. Subscribed, "Jhone Grant of Freuquhy." "Lachlane McIntoschie of Dunachtin." "Annas Grant." "William Makintoische, curator, cõsentis." "Malcum Makintosch, witnes."

331. CONTRACT OF MARRIAGE between William Sutherland of Duffous for himself, and taking burden upon him for William Sutherland his eldest son and apparent heir, and the said William for himself and his own interest on the one part, and John Grant of Frewquhie for himself, and taking burden upon him for Jean Grant his second daughter, and with her consent, on the other part, for the marriage of the said William Sutherland, apparent of Duffous, and the said Jean Grant, the solemnisation thereof to be betwixt the date of the contract and 1st December next. The said William Sutherland of Duffus binds himself to infeft the said William and Jean Grant, his future spouse, in conjunct-fee, and the heirs-male of their bodies, whom failing, the said William's heirs-male and assignees whomsoever, in the town and lands of the Mains of Pettindreiche, with pertinents thereof, and specially two seats called the Brewmhillis and Two Kilcruikis, with the mill of Pettindreche, in the parish of Elgin and shire of Elgin and Forres; to be held of the King and his successors in feu-farm and heritage for payment of £4 Scots yearly, and £5, 6s. 8d. to the chaplain of the chaplainry of St. John; engaging to resign the said lands if need were in the King's or his commissioner's hands for new infeftment; and to resign in the hands of the provost or one of the bailies of Elgin, three pieces of land of the "greischipe" of Elgin, on the west side of the water of Lossie, called the Cruikis, in the bounds of Pettindreche, presently occupied by the said William Sutherland and his tenants, in favour of the said William and Jean, for new infeftment to be granted to them and their foresaids thereof by the provost, bailies, and council of the burgh, to be held of the provost and bailies in feu-farm, for payment of 3s. 4d. Scots yearly and a duplicand: Also the said William Sutherland of Duffus contracts to infeft them in the lands of Divelligrein, in the liberty and territory of the burgh of Elgin, to be held in the same manner for payment of £16, 3s. 4d. Scots; in the town and lands of Nether Maubenis, with the Hauch of Maubenis or Brewmtoun, in the shire of Elgin and Forres, to be held of the King, or of the provost, bailies, and council of Elgin, at the option of the said William and Jean,

in feu-farm for payment of £14, 13s. 4d. Scots; and to infeft the said Jean Grant in an annual rent of 6 chalders good and sufficient "cheriteat victual" forth of the lands of Banget and Dyksyd, in the barony of Duffus and Correlwood by annexation, and shire of Elgin and Forres, to be held of the granter and his heirs in blench for payment of one penny if asked only, reserving to Margaret M°Intosche, now Lady of Duffus, her liferent of the said six chalders, in contentation to the said Jean Grant of any other goods, etc., she might claim by terce or otherwise: Further, the said William Sutherland transfers to the said William and Jean certain rights of the teind-sheaves of Pettindrech and of Divelligrein. It is also provided, that in case there be no heirs-male of the marriage, the said William Sutherland of Duffus' heir-male whosoever shall pay to the heir-female of the said William Sutherland and Jean Grant the sum of 10,000 merks if there were only one daughter, and £10,000 Scots if there were two or more daughters, to be divided in manner specified in the contract. The said John Grant of Freuquhie binds himself and his heirs, executors, and assignees to pay to the said William Sutherland of Duffus and others under-written, in name of dowry and tocherguid, with his daughter, the sum of 9500 merks as follows:—5000 merks to Archibald Grant, son of James Grant in Kirktoun of Daloquhie, for relief of the said William Sutherland of Duffus and his cautioners at the hands of the said Archibald; to William Grant in Blairfindie, 2000 merks for a similar purpose; to Clerk, son to the deceased Robert Clerk in Auchrosk, 2000 merks for a similar purpose; and 500 to the said William Sutherland of Duffus, before Whitsunday 1613. The said sum being in contentation of all goods or gear the said Jean might have claim to through decease of her said father. Finally, the said William Sutherland, for relief of the debts with which his estate was affected, binds himself to furnish 6000 merks for further lessening the burden, etc. Dated at Duffous, 19th September 1612. Signed, "Jhone Grant off Freuchie." "Suth°land off Duffus." "W. Sutherland, appeirād off Duffus." "Patrick Dūbar of Blare, vitnes;" "Alex^r Dūbar of Kilbuiak, witnes," etc.

332. SUBMISSION by Archibald Earl of Argyll, Lord Campbell, Lorne and Kyntyre, etc., on the one part, and Allan Makindwye [Cameron] on the other part, referring themselves to the amicable decreet-arbitral of Colin Campbell of Lundie, Sir John Campbell of Caddell, knight, James Campbell of Laweris, Sir William Hart of Prestoun, as judges-arbitrators chosen on the Earl's side, and of John Grant of Frewchie, William Drummond of Pitcairnie, David Drummond in Forres, Mr. Thomas Rollock, advocate, judges-arbitrators chosen on the said Allan Makindwye's side, and of John Earl of Montrose, Lord Grahame, etc., as oddman and oversman chosen by consent of both parties, regarding the Earl of Argyll's alleged heritable right and

infeftment granted to him of the lands of Lochiell, possessed by the said Allan, lying in Lochaber and sheriffdom of Inverness, precept of warning, process and action of removing, at the instance of the said Earl against the said Allan thereanent; and also regarding the said Earl's kindness and interest he has or may pretend to have to the said lands, and expenses debursed by him in acquiring his alleged heritable right and pursuit moved thereon, and what sum the said Allan should pay to him for his alleged heritable right of the said lands, to be held by the said Allan of the Earl, in what quality and nature they shall think expedient; and failing the heritable right to be so found, what sum the said Allan should pay to the Earl for his kindness and interest he and his predecessors had or may claim to the said lands, and for his expenses already debursed in acquiring his alleged heritable right and pursuit moved thereupon, according to the claims of both parties to be given in before the judges, who had accepted the decision of the debateable rights, and were to meet at Edinburgh on the 4th of June next to treat thereon, and give forth their decreet between that day and the last day of June next; and whatever decision was given, both parties bind themselves to underlie and fulfil, and subscribe the blank on the back of the submission for inserting the judges' decreet thereon; which submission is presently put in the keeping of the Laird of Grant, to be forthcoming to either party; and both parties consent to the registration of the submission and decreet in the Books of Council and Session. In witness of which, both the said parties, with the judges and oversman, in token of their acceptance, are stated to have subscribed the submission, but the document is only subscribed by "Allane Camone of Lochzell." Dated at 1612.

333. Contract of Marriage agreed upon between Sir Walter Ogilvie of Fyndlater, knight, for himself, and taking burden upon him for Marie Ogilvie his daughter, and the said Marie for her own interest, on the one part, and John Grant of Fruquhy for himself, and taking burden upon him for John Grant his eldest son and apparent heir, and the said John Grant, younger, for his own interest, on the other part, whereby it is contracted that the said John Grant younger shall marry the said Marie Ogilvie, and solemnise the marriage in face of holy kirk, betwixt and next to come. Before which solemnisation the said John Grant of Fruquhy binds himself to infeft the said John Grant younger and Marie Ogilvie his future spouse in conjunct-fee, and the heirs-male begotten betwixt them, whom failing, the said John's nearest heirs-male whomsoever, in the lands of Mulben and Mekle Balnabroyche, with the pendicles thereof, to wit, the mains of Mulben, mill thereof, Little John's Croft, Smith's Croft, Delmany, Schalloche, Brakan, Thome, Garlean, Calschangzean; the lands of Auldchaishe, Forgie and Cardenye, with the fishing thereof upon the water

of Spey, in the sheriffdom of Elgin and Forres; the lands of Easter, Wester, and Mid Muldaries, with mill and hauch of the same, lands of Bogbaine, Little Balnabroche, and Auchroisk, in the barony of Balnabroyche, earldom of Rothes, and shire of Elgin and Forres; the lands of the Brigtoun of Spey, ferry coble, and salmon fishing thereof, in the shire of Banff; lands of Over Kinminedy, Nether Kinminedy, with tower, fortalice, and manor place, Over and Nether Tarmoires, Over and Nether Killeismontes, Loine, and other lands of the said John in the barony of Strylay [Strathisla] and shire of Banff, contained in his infeftments and held of the Lord of Kinloss as principal; and in special warrandice thereof in the lands of the lordship of Abernethie, in the shire of Elgin and Forres; and the lands of Culnakyle in the tenandry of Fynlarg, regality of Spynie; the lands of Easter and Wester Tulloches, Riemoire, and Garthinmoir, in the lordship of Badzenoch and shire of Inverness; the said lands, both principal and warrandice, to be held by two infeftments, one of the said John Grant of Freuquhy, and the other of his superiors; with clause of warrandice, the date of entry to the lands being fixed at the term of Whitsunday 1614. Reserving forth thereof to the said John Grant of Fruquhy and an honourable Lady, Lilias Murray, his spouse, and the survivor of them, for their lifetimes, the lands of the Mains of Mulben, Little John's Croft, Smith's Croft, Delmany, Mill of Mulben, Shallauch, Brakan, Thome, Little and Mekle Balnabroyches, and Auchrosk; and the said John Grant of Fruquhy warrants the lands disponed above (excluding the reserved lands) to be worth yearly, and to pay in rental 40 chalders victual, besides customs, grassums, and duties, to the said John and Marie Ogilvie; and the said John Grant obliges himself to cause the said Lilias Murray, his spouse, to renounce as she hereby renounces her conjunct-feftment and liferent right of the lands of Easter, Wester, and Mid Muldaries, Boigbaine, Auldchaishe, Forgy, Brigtoun of Spey, Cardenye, Garlein, and Culshangzan, in favour of the said John Grant and Marie Ogilvie, and that judicially outwith the presence of her husband before the 1st of August next, 1614, which renunciation the said John Grant of Fruquhy engages to ratify: Which lands are given to and accepted by the said Marie Ogilvie, with consent of her father and her future spouse, in full contentation of all lands and others she might crave through decease of the said John Grant, younger, by conjunct-fee or terce: For which causes the said Sir Walter Ogilvie binds himself, his heirs and executors, to content and deliver to the said John Grant of Fruquhy and John Grant his son, the sum of ten thousand pounds Scots in name of dowry or tocher with the said Marie. his daughter, in manner following, viz.: The said Sir Walter as principal, and Walter Ogilvy, apparent of Dunlugus, Alexander Abercrumby of Birkinbog, as cautioners, bind themselves to pay to the said John Grant of Fruquhy, or his heirs, 5000 merks in the burgh of Elgin before

Martinmas next, 1614, under penalty of £1000 additional; and because various lands were in wadset, such as Nether Kinminedy, etc., the said John Grant of Fruquhy binds himself to deliver the letters of reversion to the said John Grant younger and Marie Ogilvie for the purpose of having the lands redeemed, and the said Sir Walter binds himself to pay the 10,000 merks remaining of the £10,000 to the said John Grant younger for that purpose, 5000 merks before Martinmas 1615, and the other 5000 before Martinmas 1616, in the parish kirk of Keith, under the penalty of £1000. Which sum of tocher the said Marie Ogilvie and John Grant younger accept in full payment and contentation of her right and title of the lands of Blairshinnoche, in the lordship of Forest of Boyne and shire of Banff, disponed to her by her father under reversion redeemable by himself for payment of and by his heirs for the payment of 10,000 merks, and which lands the said Marie and John Grant younger, with consent foresaid, grant to be lawfully redeemed and outquit from her and her foresaids, and renounce the same with all right she might claim to the said lands; and in consideration of the benefit of the foresaid sum, the said Marie and John Grant younger, with advice foresaid, exoner and discharge the said Sir Walter, his heirs, executors, and assignees, of all goods, gear, and others that she might claim through decease of the said Sir Walter, her father. Further, the said John Grant of Fruquhy obliges himself to warrant the teindsheaves of the foresaid lands, principal and warrandice. And it is agreed that if there be no heirs-male of the marriage, the said John Grant of Fruquhy and the heirs succeeding to him shall pay to the eldest heir-female £10,000 Scots, and to every one of the rest £5000 Scots, as provision for their marriages, providing they married with consent of the said Sir Walter and John Grant of Fruquhy and their heirs. Dated at Elgin, 11th December 1613, and subscribed, "Valtir Ogilby of Fyndlatir." "Jhone Grant off Frewquhy." "Jhone Grant, apparand of Frewquhy." "Marie Ogiluie." "Walter Ogiluy." "A. Abercrumby of Birkinboge." "P. Forbes of Coirse, witnes;" "Patrick Grant of Balnadallache, vitnes," etc.

334. Extract Submission and Decreet Arbitral proceeding on and narrating a submission, dated on 16th August 1610, in favour of William Sutherland of Duffus and Mr. James Grant of Edinweillie, as judges-arbitrators chosen by John Grant of Freuquhy, for himself, and taking burden upon him for his whole kin, friends, men, tenants, and dependers, for whom he was obliged by the laws, acts of parliament, and general band, and John Grant of Glenmoristoun, for himself, and taking burden upon him for his men, tenants, servants, and dependers, on the one part; Patrick Dunbar of Conzie, and George Douglas, minister at Cullane, as judges-arbitrators chosen by William Leslie, eldest son of the late Robert Leslie of Ardeamnie, for

himself, and taking burden on him for Marjorie Anderson, and his brother and sisters, executors of the late Robert Leslie, on the other part; and Alexander Bishop of Moray, and Sir Walter Ogilbie of Findlatour, knight, as oddmen and oversmen chosen by both parties, to decide regarding certain debateable matters, what goods, gear, nolt, sheep, etc., the said William Leslie, his mother, brother, and sisters, bairns and executors of the said Robert Leslie, could claim from John Grant of Glenmoristoun, his men, etc., who, as alleged, spoiled such goods, and regarding blood-drawing of the said William, committed, as alleged, by Duncan Grant of Thombreachie and his compliees, for whom John Grant of Freuchie takes burden, and the satisfaction to be made therfor. The said judges accepting the office, appointed the 16th day of August for a meeting in Edinburgh, and agreed to pronounce their decreet before the 10th December next, and, in case of variance, before the last of February 1611. And John Grant of Freuchie, and John Grant of Glenmoristoun, consented that William Dumbrek of Vrtane, or other witnesses, should be received to testify as to the confession of the late James Oig Grant, or any of his servants, concerning the matter; and John Grant of Freuquhy bound himself to cause the said John Grant of Glenormistoun obtemper the judges' decision. The decreet-arbitral, which was pronounced by the Bishop of Moray and Sir Walter Ogilvie, as oversmen, further narrates that a meeting was held in Edinburgh, 16th August, that the judges could not agree, and therefore the oversmen accordingly, in terms of the submission, pronounced decree to the effect following: Declaring the said William Leslie to have right to the goods and gear of his deceased father, Robert Leslie, unlawfully "spuilzeit" from him, his mother, etc., and intromitted with by the said John Grant of Freuquhy, and John Grant of Glenmoristoun, their men, tenants, and servants, from the said Robert Leslie in his lifetime, or Marjorie Anderson his relict, or the said William, conform to the decreet obtained by him before the Lords of Session thereanent; that he has right to all other actions of reif or oppression, and to the sums of money after mentioned; and ordain the said William to make and give to the said John Grant of Freuquhie and John Grant of Glenmoristoun, their kin, etc., acquittances and discharges for all such goods "spuilzied" and taken away, and of all actions against them therefor; reserving to Augustine Baxter such action of "spuilzie," reif, or oppression, as he might prosecute by law against any person of the name of Grant, he not being comprehended in this submission; also ordaining Duncan Grant of Thombreachie to have done wrong in coming, accompanied with his complices, to make vocation upon any bounds within Rothes, and perturbing the said William Leslie, and therefore ordaining him to relieve John Grant of Freuquhie of the sum of money after mentioned; and for the blood-drawing the arbiters ordain the said Duncan to come into their presence, and in presence of the said William

to declare on conscience that neither he nor his complices came on forethought felony, to confess before God that he repented of the wrong, and to promise in all times coming to be the said William's friend, and ask his forgiveness; and they ordain the said William to accept him in favour, and be reconciled to him and live in peace with him, under a penalty of 1800 merks, to be paid by the breaker of the peace; and ordain the said John Grant of Freuquhie to pay to the said William Leslie the sum of 1800 merks Scots, before Martinmas instant, 1611, under a penalty of 300 merks, in full satisfaction of all "guidis, geir, oxin, ky, hors, meares, scheipe, and vtheris" taken away or intromitted with or "spoilzeit" by any of the name of Grant, or their men, tenants, etc., and ordain John Grant of Glenmoristoun to relieve him of 700 merks, and the said Duncan of 300 more, with expenses. Dated at Elgin, 27th February 1611, and registered in the Commissary Books of Moray, 16th June 1614.

335. Extract Submission and Decreet-Arbitral following. The submission is made by Archibald Earl of Argyll, Lord Campbell, Lorne, and Kyntyre, on the one part, and John Grant of Frewchie, for himself, and taking burden on him for all persons of his surname, kin, and friends, contained in a roll delivered by him to Mr. Archibald Prymrois, writer, on the other part, who submit their plea to the decreet-arbitral of David Earl of Seone and the said Archibald Prymrois, as judges-arbitrators chosen by consent of both parties, and of Thomas, Lord of Binning, Secretary to the King, as oddman and oversman anent the trial of the said John Grant of Frewchie's reset of John Dow Roy, son to the late Duncan M^cDuchan M^cGregour, since the time that he associated himself with the rebels of the Clan Gregour, and his wilful reset of any of the Clan Gregour since they were declared rebels and fugitives, viz., since 1610, or any favour or oversight shown by him or his friends to the Clan Gregour; what sums he should pay to the said Earl of Argyll if found culpable, and for fines which his friends and tenants contained in the said roll were adjudged to pay, by decreet of the Secret Council, for reset, supply, and intercommuning with the Clan Gregour; and any other action the Earl of Argyll may have against the said John Grant of Frewchie therefor: The judges accept the office of decision, and engage to give their decreet between the date of the submission and the 1st of March next; and both parties agree to fulfil the sentence, provided it were given before the 1st of March, and not otherwise. Dated at Edinburgh and Perth, 29th and 31st August 1614. Witnesses, Colin Campbell of Lundie, Sir John Campbell of Calder, James Campbell of Laweris, Duncan Grant, son to the Laird of Grant, and others. The judges and oversman deliver their decreet unanimously, ordaining John Grant of Freuchie, for himself, and in behalf of his friends and tenants contained in the roll beforesaid, viz., John Dow M^cEan v^cPatrick, brother to the goodman of Tullochorme, Suine Grant

in Cur, Andrew Schaw in Glencharneich, Patrik Og Grant M'Thomas in Rimoir, John M'Donachie in Garthinebeg, Alexander Murray in Ardclach, Alexander Murray his son, William Gow in Rothimone, William M'Kindla Condochie in Drum, Archibald Grant, brother to the Laird of Glenmoristoun, Gregor M'Gillespick Grant, *alias* M'Gregour, in Tullochryben, Patrik M'Jokke Grant in Tullache, Robert Grant, brother to the Laird of Grant, John Keir M'Conald M'Condochie M'Gillespick in Vrquhart, and many others, to pay on the date hereof to the said Archibald Prymrois (the person to whom, with Archibald Campbell of Glencarradill, commission is given by Act of Privy Council, with consent of the Earl of Argyll and Sir Gideon Murray of Elibank, knight, treasurer-depute, to receive the fines inflicted for reset of the Clan Gregor, the said Archibald Campbell having given a commission to the said Archibald Prymrois to receive the fines in his absence), the sum of 16,000 merks Scots, in composition and full satisfaction for all sums wherein the said John Grant of Freuchie and persons named in the roll were fined, for reset or intercommuning with the Clan Gregour; and thereafter absolve them from all further action by the Earl of Argyll. Dated at Edinburgh, 3d February 1615, and registered in the Books of Secret Council 25th February 1615.

336. CONTRACT OF MARRIAGE between John Grant of Freuquhye, and Duncan Grant his son, on the one part, and Muriel Ros, relict of the late Duncan Grant, apparent of Rothiemurchus, on the other part, whereby the said Duncan and Muriel agree to marry; and the said John Grant of Freuquhie obliges himself to sell and dispone, and set heritably in feu-farm, to the said Duncan his son, and Muriel Ros his future spouse, the survivor, in conjunct-fee, and the heirs-male of their bodies; whom failing, the heirs-male of the said Duncan's body; whom failing, to return to the said John, and his heirs-male, the towns and lands of Cantray Downe, Delligramiche, and croft thereof, and lands of Drumtennell, in the barony of Clawalg and sheriffdom of Nairn; with the superiority of the lands of Clawalg, Delroy, Drummoir, and Easter Wrchill, with power to build mills on the said lands; and engages to infeft and sease them therein: To be held of the granter, his heirs and successors, Lairds of Grant, in feu-farm and heritage, for yearly payment of £40 Scots, and a duplicand; and the said John Grant agrees to redeem the lands of Cantray Downe from wadsets due to John Ros of the Holme, and some of the other lands wadset to others, before Whitsunday 1617, till which time the general clause of warrandice is not to apply to these lands; and discharges the said Duncan and Muriel of the payment of the foresaid £40 for the year 1615 and the rest of their lifetimes; and also lets to them for their lifetimes the davoch lands of Tullocherubeine, in the lordship of Glenchairnich; with provisions regarding wadsets affecting the lands. The said Duncan and Muriel bind

themselves to relieve the said John Grant of Frenquhie of all His Majesty's taxations and impositions affecting the said lands. Dated at Elgin, 4th July 1615. Signed, "D. Grant." "Muriell Ros." Witnesses, David Ros of Balnagown, John Grant of Mulben, David Ros of Pitcalnie, Walter Ros, apparent of Innercharron, and others.

337. ASSIGNATION, in form of Contract, between John Grant of Freuchy and Alexander Gordoun, elder of Strathowne, proprietor of the lands and barony of Strauthoune, of which the lands after specified are proper parts and pertinents, and Dame Agnes Sinclair, Countess of Errol, his spouse, narrating that the deceased George Earl of Huntly, Lord Gordoun, Badzenoche, and Straithowne, by virtue of a contract made between him and the deceased John Grant of Freuchie, grandfather of John Grant, now of Freuchie, of the date, at Huntlie, 24th August 1562, and charter following, of date 30th September 1568, gave to the deceased John Grant of Freuchie, whom failing, to the late Duncan Grant of Freuchie, successively in liferent for their lifetimes, the lands of Dalvorir, with the pendicles thereof, viz., Geanlargie, Auchnahayll, and Keppache, and also the lands of Dalnabothe, Auchlony, Innerlochy, Fetterlettir, Wester Innerowrie, Over Campdell, Nether Campdell, Fyurane, Rowane, with the mill and multures, woods and places of woods, and scheillings of Glenawin, and forest of Glenawin, and salmon fishings upon the water of Awyn and Lyn of the same, lying in the lordship of Strathawin and shire of Banff; and the said deceased John Grant of Freuchie was infeft in the same in liferent; and the said John Grant, now of Freuchie, as his oy and heir-male, is infeft and seized in liferent in the same, by George, now Earl of Huntly, Lord Gordoun and Badzenoche, etc., as his infeftment and sasine of the date 27th March 1586 bears. Wherefore, for the causes under written, the said John Grant of Freuchie assigns, overgives, and transfers to the said Alexander Gordoun of Strathowne, and Dame Sinclair his spouse, and to the heirs, assignees, and successors of the said Alexander Gordoun of Strathowne, all and sundry the forenamed lands of Dalvorar, etc., with all right he had thereto, and all writs and titles thereof. Providing that this acceptation of the present renunciation from the Laird of Grant should infer no ratification of his said right, but that it should be lawful to the said Alexander Gordoun, his sponse, and their foresaids, to annul the same as accords of the law; and to pursue the said George Marquis of Huntly, and his heirs, for warrandice of the infeftment of the said lands and barony of Strathoune, made to the said Alexander Gordoun of Strathowne, from the pretended liferent rights made to the said Laird of Grant or his predecessors: The entry to be to the crop of 1611, and the Whitsunday and Martinmas maills and duties of the said lands, to which the said Alexander Gordoun and Dame Agnes Sinclair are made cessioners: Further,

the said John Grant of Freuchie ratifies a decreet of removing, obtained by the said Alexander Gordoun of Strathowne, before the Lords of Council and Session, on 22d January 1603, against the said John Grant of Freuchie and his tenants, decerning them to flit and remove from the lands of Borlumbeg, Two Torrences, Auchorachen, and others, in the barony of Strathown, with any other decreets of removing obtained by him against them, together with the decreet of improbation obtained by him before the Lords of Council and Session, dated 6th July 1602, against the said John Grant of Freuchy, of all infeftments and titles made to the said John Grant, or his predecessors, by the said Alexander Gordoun of Straithowne, George Marquis of Huntly, his brother, the late George Earl of Huntly, his father, or the deceased George Earl of Huntly, his grandfather, of the lands, lordship, and barony of Strathowne, or any parts thereof, or any annual rents out of the same, except the particular infeftments produced in the said decreet, in all the points thereof, and renounees all action of reduction thereof, and grants himself to be orderly removed from the said lands, and binds himself and his foresaids not to trouble the said Alexander in peaceable enjoying of the said lands and barony of Strathowne; and further binds himself and his foresaids that no part of the said six davachs of land above specified, is either set, or by tack rental wadset to the tenants or others, by him or his predecessors, and the tenants to be removable therefrom at Whitsunday next, and to pay the "violent profeitis" the said Alexander might recover of the tenants, if he were debarred by them or any of them from possession of the said lands of Dalworar and others, until he caused the said tenants to remove therefrom: And further, made the said Alexander Gordoun and his foresaids, his assignee to all rights and tacks of teinds which he or his predecessors had acquired of the parishes of Inveravin and Kirkmichael, in so far as they extended to the teinds, both parsonage and vicarage, of the lands and barony of Strathowne, lying within the said two parishes, for payment of 200 merks to Mr. William Clogye and his successors chancellors of Moray, for the relief of the said John Grant of Freuchy, who paid 400 merks yearly, and to pay the taxation upon remaining teinds *pro rata*. Reserving the teindsheaves and vicarage of the lands of Tombrakachie, Navie, and some other lands which were wadset to various persons, during the time they remained in wadset, but whenever they should be redeemed by the said Alexander Gordon, he was to have right to the said teinds. With clause of warrandice from the said John Grant's fact or deed; but not to extend to the lands of Dalvouche of Mekill Innerchabet, sometime possessed by John Grant of Carroun for any right he has or may pretend to the teinds of the said lands. With obligation to deliver rights of the foresaid lands before the 1st November 1612, and to make the tacks of teinds, etc., forthcoming when required, under a penalty of £5000 Scots, etc. And the said

John Grant discharges and quitclaims all action of spoliation and wrong intromission competent to him against the said Alexander Gordoun, his spouse, and their tenants of the barony of Strathowne for the said teinds, for any years preceding the date hereof, without prejudice to his action competent to him against the old teind duties, which they were in use to pay, resting owing by them unpaid; and binds himself to remove and cause Patrick Grant his brother remove himself, his wife, family, and servants, from the lands of Campdell and Rowane, before the last day of May next, and to procure a renunciation from the said Patrick of all right or kindness he had thereto. And forasmuch as the said Alexander Gordoun of Straithdoune, on the 22d January 1603, obtained a decreet of removing *in foro contradictorio* before the Lords of Council and Session against the said John Grant of Frenquhy and his subtenants of the lands of Balnabeg, Toundbrek, Two Torrences, Auchorochen, Glentonaglasce, and Monymoir, charging them to remove therefrom, on which the said Alexander Gordoun had intented action against the said John Grant of Frenquhy and his tenants, for the violent profits thereof since the warning made to them before the feast of Whitsunday 16— years, whereon the said decreet followed, wherein there are witnesses received and an act of litis-contestation made; therefore, and for the causes above written, the said Alexander Gordoune of Straithowne, and Dame Agnes Sinclair his spouse, with consent of Alexander Gordoun, their son and apparent heir, renounce, quitclaim, and discharge the said John Grant of Frewchy and his tenants, and John Gordoun of Carneburro, their cautioner, of the said action of violence, and of the violent profits for all years bygone; and in like manner discharge the said John Grant of Freuchy, his heirs, executors, or assignees, of a decreet recovered by the said Alexander Gordoun against the said John Grant, for "intertinement and keiping" of the woods of Glennawin pertaining to the said Alexander, and against William Master of Tullibardine his cautioner, and of the action of spuilzie depending at the said Alexander's instance against the said John Grant of Freuchy, for wrongous cutting and spuilzieing the said woods; which discharge the said Alexander Gordoun and his son bind themselves to warrant: and both parties mutually discharge each other of all actions and contraventions, breaches of lawburrows, etc. Dated at Edinburgh, 24th March 1612, and registered in the Books of Council 17th February 1618.

338. Disposition in form of Contract, between William Earl of Tullibardin, Lord Murray, etc., for himself, and for any right he had to the lands underwritten, and taking burden upon him for Dame Dorathie Stewart his spouse, Dame Marie, Mistress Jean, and Mistress Anna Stewart, the four daughters and heirs of line of the deceased John Earl of Athole, Lord Balvany, who deceased at Perth, and their spouses, for their

interest, on the one part, and John Grant of Frewquhy on the other part, whereby the said William Earl of Tullibardin, for the sum of 2000 merks, sells to the said John Grant, his heirs-male and assignees, without reversion, the town and lands of Clavalligis, and also the lands of Dalcroy, Drummoir, and Drumtennell, extending in whole to three ploughs of land of old extent, in the barony of Clovalge and shire of Nairn, and engages to infeft him therein, and to that effect cause the said Dame Dorathie, Dame Marie, Mistress Jean, and Mistress Anna, to be duly retoured and seised as nearest heirs to their predecessors who died last vest and seised as of fee therein, and immediately thereafter cause them to infeft and seise the said John Grant of Frewquhy in the said lands of Dalcroy, Drummoir, and Drumtennell, to be held of the King and his successors in fee and heritage: He also binds himself and his heirs in warrandice to repay the 2000 merks within 60 days after eviction, in case it should happen that the said John Grant of Frewquhy should be evicted from the same by process of law, provided the said John Grant and his foresaids made intimation of the summons and action intented against him. And forasmuch as Mr. James Carstairis, servitor to Mr. Thomas Houp, advocate, was donator by gift of the King under his Privy Seal, dated 3d August 1614, to him, his heirs and assignees, of the ward and non-entry of all and whole the said lands of Clovalge, whereof the lands above-mentioned are proper parts and pertinents, for all years bygone that they had been in the King's hands since the decease of the said John Earl of Athole, who deceased at Perth in the year 1595, and of all years to come till the entry of the righteous heir, and he, the said donator, by special letters of assignation, dated 13th August 1616, having made the said William Earl of Tullibardin, his heirs and assignees, his lawful cessioners and assignees to the foresaid gift of ward and non-entry, the said Earl now sells, and assigns the gift of ward and non-entry to the said John Grant of Frewquhy, his heirs and assignees, in so far as the same extends to the said lands of Dalcroy, Drummoir, and Drumtennell and Clavalge, extending as said is, and also to a summons and action of declarator raised upon the foresaid gift; and binds himself to deliver the charters and other writs of the lands to the said John Grant of Frewquhy, upon an inventory subscribed by both parties, so that they might be forthcoming in defence of any action that might be pursued for eviction of the same. Dated at Edinburgh, 21st March 1618. Subscribed, "Tullibardine." "Jhone Grant of Frewquhy." Witnesses, James Grant of Logie, and others.

339. Copy of LETTERS OF CHARGE under the Signet, narrating that the Lords Commissioners of Parliament, appointed by the King and Estates for plantation of kirks, by a decreet dated the 7th July 1618, after consideration and trial of the cure of the two kirks

of Cromdell and Inverallan, in the diocese of Moray, of which Mr. David Dick is present minister, and the worth of the teinds of the parishes, found it was necessary that the two kirks should be united, and accordingly so united the two kirks and parishes of Cromdell and Inverallan into a conjunct parish, the same to be served by one minister in all time thereafter; and modified to him the sum of 520 merks as stipend out of the teinds, to be paid by John Grant of Frewchie, tacksman of the teinds, or other intromitters with the same, beginning the first year's stipend with the year and crop 1618: The messenger is therefore directed to charge the said John Grant of Frewchie, tacksman of the teinds of the two parishes, his heirs and others, successors in his tack, or others intromitting therewith, to pay to the said Mr. David Dick, minister at the said kirks, the said stipend for the crop and year of God 1618, and yearly thereafter, conform to the said decreet, under pain of rebellion and putting to the horn. Given under the Signet, at Edinburgh, 7th July 1618. Per decretum dominorum commissionariorum, 16th July 1619.

340. Disposition by John Earl of Rothes, Lord Leslie, etc., whereby, with consent of Alexander Earl Dunfermline, Lord Fyvie and Wrquhart, Great Chancellor of Scotland, for all right he had or might pretend to the ward, relief, and non-entry of the earldom of Rothes, of which the lands underwritten are parts and pendicles, and consent of his friends and curators, he, for certain sums of money paid to him by John Grant of Frewchie, gives and dispones to the said John Grant, his heirs and assignees, the ward, relief, and non-entry, maills, fermes, etc., of the lands of Muldaries, lands of Wester Muldaries, Boigbend, in the earldom of Rothes and shire of Elgin and Forres, together with the ward and relief only of the lands of Little Balnabrock; all held of the Earl, for all years they had been in ward and non-entry since the decease of James Master of Rothes, the Earl's brother, or any other predecessor of the Earl, heritable tenants to the King, and of all years to come, until the Earl's coming to his perfect age of twenty-one years: to be held of the granter and his heirs-male and successors; and the said Alexander Earl of Dunfermline discharges the decreet of removing obtained at his instance against the said John Grant of Freuchie, and other tenants of the said lands, violent profits thereof, etc. Dated at Edinburgh, 9th January 1619. Subscribed by Rothes, Dunfermeline, Perthe, Wintoun, and Mar.

341. Bond by Sir John Grant of Mulben, knight, whereby, "considering the great trawellis and paineis bestowit and wairit" by his father, John Grant of Freuquhie, anent acquiring in wadset from the late Sir Lachlane M^{c}Intosche of Torchastell, knight, the lands of Glenloy, Locharkeig, Glenspean, and Glenroy, in the lordship of Lochaber

and sheriffdom of Inverness, and how necessary and profitable the acquiring of the same was to the standing and weal of the house of Freuquhie and Makintosche, and to the "forderance of our kin and freindis of the nameis and kin of Grantis and Clanchattane," and how unprofitable the disposition thereof would be, he binds himself not to sell, dispone, or put away the foresaid lands, make assignation or resignation thereof, nor set the same or any part for a longer tack than three years, in prejudice of William M^cIntosche of Torchastell, heritor of the said lands, without the special advice and express consent of James Master of Deskford, Mr. James Grant of Logye, Sir Rorie Mackeinzie of Coygache, knight, and Patrick Grant of Balnadalloche, all agreeing in one voice, had and obtained thereto; and in like manner his father having purchased for him, his heirs and assignees, a gift of the ward and non-entry of all lands and annualrents which pertained to Sir Lachlan Makintosche of Torchastell, knight, held of His Majesty by service of ward and relief, together with the marriage of William Makintosche, apparent heir of the said deceased Sir Lachlane, and failing of him unmarried, of the nearest heir or heirs that should succeed to the said deceased Sir Lachlan, considering the proximity of blood between him, the said Sir John Grant of Mulben, and the said William M^cIntosche and his brothers, his sister's sons, and how careful his father had always been for the weal of the said deceased Sir Lachlan and standing of his house, and willing to imitate his conduct therein, therefore Sir John binds himself to use the said ward and marriage by the advice foresaid, and not sell or assign the same in prejudice of the said William and his heirs, without the special advice and consent of the said persons, and to exact no further sum for the same than the said friends should advise and consent to. With provision that if the said William or his heirs should misbehave themselves or break duty to Sir John, or impugn or quarrel any deed done or to be done by Sir John or by his father for the said William, or in his adoes, this present obligation shall become null so far as the same may be extended in favour of the said William or his foresaid, but that to his friends shall stand and continue in force. With clause of registration in the Books of Council and Session. Dated at Freuquhye, 27th August 1622. Signed, S. J. Grant, and witnessed by James Grant of Logie, Patrick Grant of Elchies, and others.

342. CONTRACT made between Sir John Grant of Fruquhye on the one part, and Allan Makrenalt, apparent of Lundie in Glengarrie, for himself, and taking the burden upon him for Renalt Makallane of Lundie, his father, that the said Renalt shall ratify and allow this present contract and disposition, and also the said Allan, with consent and advice of Donald M^cAllane vic Renalt, his eldest son and apparent heir, and the said Donald M^cAllane for his own interest, with consent of the said Allan, his father, and

the said Allane and Donald his son, with one consent and assent, on the other part: Narrating that the said Renalt McAllane of Lundie and the said Allan, his son, have certain woods pertaining to them in heritage, "growand and standand wpone their landis of Killeismorarche, Kilnamuk, Swordelane, Arethomechanane, and Brakegarrowneintoir," outsets, shealings, and grazings thereof, in the country of Morar, lairdship of Glengarrie and shire of Inverness, "quhilkis ar altogidder wnprofitabill to thame, and quhairof they neuer hawe reapit nor can reap or get anie commoditie, in respect they lye in the far and barbarous Hielandis, circuite and invironit about with euill neychtbouris, quha continewallie cuttis, destroyis, and takis away the samen in great quantitie, but the consent and guidwill of the said Renalt and Allane," so that the care and keeping thereof breed them not only great expense and charges, "bot also euill will, hatrent, and deidlie feid," nor would any merchants hazard to come and buy the same upon their warrandice, for fear of their lives; for remedy whereof, and to make the woods profitable to the said Renalt and Allan, and that merchants might have free access to the woods to buy and transport the same, the said Allan, for himself, with consent of Donald his son, and taking burden on him for Renalt, his father, that he shall ratify the contract, and the said Donald, with consent of his father, hereby bind and oblige themselves to sell and dispone, and by the tenor of this contract sell and dispone to the said Sir John Grant of Freuquhye, knight, his heirs, assignees, and successors, or any person he or they shall sell the same to, all and sundry the woods and bushes pertaining to the said Renalt and Allan, upon the foresaid lands of Killismorarache, etc., and all the growing trees, fallen timber, old wood, and young growth within the said woods and lands, with the whole bark, roots, and boughs thereof, to be dealt with, cut, sold, and transported by the said Sir John and his foresaids at his and their pleasures; providing also that it should be lawful to the said Sir John and his foresaids, and their servants and others in their names, to enter and intromit with the said woods, and sell and dispone them, etc., without action or deed of wrong to result thereon, against which the said Allan and Donald McAllane give their warrandice, and also bind themselves to warrant and defend this disposition, to the said Sir John and his foresaids; that the said Renalt McAllane of Lundie, his heirs and successors, shall ratify the same; and that the said Sir John and his foresaids, their merchants and servants, and all such persons as the said Sir John or his foresaids should sell the same to, should live in peace and rest during the time and tack underwritten appointed for cutting thereof and transporting the same, and be unharmed in their bodies, goods, and gear by the said Allan, Donald his son, their foresaids and all others, but should be assisted and helped in all things necessary that they could furnish for their support. And to the effect the said Sir John and his

foresaids may the better sell, and make use of the woods and timber, the said Allan and Donald his son, hereby set and in tack let to the said Sir John and his foresaids the ground and place whereon the said woods grow, and all the bounds within the said woods "nocht manurit," grass and pertinents thereof, for the space of thirty-one years, or for longer space, as the same shall be in cutting and transporting only, the entry to be at Whitsunday next, 1623; reserving liberty of pasturage and grazing to the said Allan and Donald, their tenants and occupiers of the lands, according to use and wont, with provision that the tack should expire, if the woods were cut and transported before the thirty-one years were outrun: Also the said Allan and Donald warranting this disposition and letter of tack to be free of any duty or exaction for the space above expressed. For which disposition and others above expressed, the said Sir John Grant hereby binds himself, his heirs and successors, etc., to pay to the said Allan and his foresaids "the tua part" of all such sums of money as the said Sir John should receive for the said woods, at such times as he should receive them, and this upon his honour and credit; and if Sir John or his foresaids happen to sell the woods to any merchants, the said Allan and Donald shall make security to them thereof, and set a tack, according to the meaning of the present tack, for the same space or longer, as the merchant should crave. With clause of registration. Dated at Freuquhye, 6th October 1622; witnessed by Patrick Grant of Balnadallache, Patrick Grant of Elcheis, James Grant his son and apparent heir, Robert Grant of Lurg, Patrick Gibsone of Sheriffmill, and David Dick, minister at Cromdale. Subscribed, "S. J. Grant," "Allane M^cRannalt, apperand of Lundie abone-writtin, with my hand at the pen led be the notaris wndersubscryneand at my command, be me speciallie requerit heirto becaus I can nocht writt;" certified by John Donaldsone and Robert Moir, notaries.

343. Letters of Gift by King James the Sixth, under his Privy Seal, whereby he gives to Sir John Grant of Mulbane, knight, his heirs and assignees, the escheat of all goods, movable and immovable, debts, tacks, steadings, jewels, gold, silver, etc., and all other escheatable goods pertaining before to Allane M^cRanald of Lundie in Glengarrie, and fallen into the King's hands by reason of escheat through the said Allan's being, on the 28th June last, orderly denounced rebel, and put to the horn by virtue of letters raised against him at the instance of John M^cKenzie, archdean of Ros, for himself, and as master, with the remaining kin and friends of the late Alexander M^cCaye, John M^cCay, Donald M^cCay his son, Alexander Gald and tenants and servants to the said Mr. John of his town and lands of Kilchriste, and also at the instance of Sir William Oliphant of Newtoun, knight, the King's advocate, for the King's interest, for not finding

sufficient surety to the justice-clerk and his deputes acted in the Books of Adjournal, "That he sould compeir befoir our Justice and his deputtis, and vnderly the lawis for the tressonable and wilfull raissing of fyre and cruellie and vnmercifullie murdering and slaying of the said vmquhile Alexander M^cCaye, vmquhile Johne and vmquhile Donald M^cCayis, and Alexander Gald, and

tennentis to the said Mr. John M^cKenzie of the said toun and landis of Gilchriste, burning and distroying of the number of tuentie-sevin duelling-houssis within the said toun, with the barnes, byres, and killis belanging therto, and burning and distroying of the said Mr. Johne his haill librarie and buikes; togidder with tuentie scoir bollis aittis and aucht scoir bollis beir being in the said Mr. Johne his barne and barnezaird, and thiftwuslie stealling and away taking of nyne peace of hors with the said Mr. Johne his awin best hors, thriescoir ten oxin and ky, and that in the monethe of September, the zeir of God j^mvj^c and thrie yeiris, the tyme of the feid than standing betuix vmquhile Kenneth Lord Kintaill and Donald M^cAngus of Glengarie," as the letters of horning, etc., more fully narrate: To be held by the said Sir John Grant, his heirs and assignees; with power to intromit with the said escheat goods, and occupy the tacks and steadings with their own proper goods. Dated at Edinburgh, 7th December 1622.

344. Bond by Sir John Grant of Freuquhy, knight, narrating that whereas the late John Grant of Freuquhy, his father, infeft and seised John Grant of Glenmorestoun, his heirs and assignees, heritably, in the forest of Clunie and Glenloyne, pertaining to the said Sir John in heritage, with the houses and grazings thereof, in the shire of Inverness, under reversion, containing the sum of 1000 merks Scots, together with a fifteen years' lease of the same, after the redemption thereof, for a yearly payment of £40 every year of seven years of the lease, and £80 every year of the remaining eight years; therefore, and for certain good reasons, the said Sir John binds himself, his heirs and successors, with all convenient diligence, to cause the said John Grant of Glenmoreistoun denude himself, his heirs and assignees, with Sir John's consent, in favour of Colin Lord Kintail of the right of that part of the forest of Clunie possessed by the said Colin now Lord Kintail, the deceased Kenneth Lord Kintail his father, the deceased Colin M^cKenzie his grandfather, and their predecessors, tenants, and servants; and that the said John Grant of Glenmoreiston, with his consent, shall infeft the said Colin, his heirs-male and assignees, heritably therein, to be held from the said John Grant of Glenmoreiston, of the said Sir John and his heirs, immediate lawful superiors thereof; which infeftment Sir John binds himself to confirm, and cause the said John Grant make the said Colin Lord Kintail, etc., his assignees to the foresaid lease; and Sir John binds himself to make at the expiry

of the fifteen years a further lease of the said forest of Clunie, possessed by the said Lord Kintail and his predecessors, for five years for the yearly payment of £80: Providing that at the granting of the said disposition and assignation to be obtained from the said John Grant of Glenmoreiston, the said Colin M^cKenzie and his foresaids shall content and pay to Sir John and his foresaids the sum of 1000 merks Scots, in respect of the disposition and assignation Sir John had undertaken to procure from the said John Grant of Glenmoreiston upon his own expenses, and providing also that the said Colin grant letters of reversion at the time of his infeftment therein for redemption of the same by payment of the said sum of 1000 merks, delivery of the fifteen years' lease, and of the five years' lease, or consignation of the same in the hands of the provost and bailies of Inverness for redemption thereof suspending the said redemption for the space of one year next after Whitsunday next to come. In case the said Sir John failed in procuring the disposition and assignation abovementioned from the said John Grant of Glenmoreistoun, the said Sir John binds himself and his foresaids to redeem and loose the said forest of Clunie and Glenloyne, and obtain the said John Grant's renunciation thereof, or decreet and declarator of redemption of the same, which redemption should be at the term of Whitsunday next, and then to dispone the said forest to Lord Kintail, his heirs-male and assignees, and infeft them therein by charter of alienation *titulo oneroso*, to be held of the granter and his heirs in free-blench for payment of one penny at Whitsunday, if asked only, reserving to the said John Grant of Glenmoreistoun and his foresaids the forest of Clunie during the said space of fifteen years after Whitsunday next, for yearly payments of the duties above specified, to which duties Sir John engages himself to make Lord Kintail and his foresaids cessioners and assignees. Redeemable always for payment of 3000 merks in the parish kirk of Inverness, at any feast of Whitsunday, upon premonition of forty days, or consignation thereof in the hands of the provost or any of the bailies of Inverness; suspending all redemption of the said whole forest of Clunie and Glenloyne for the space of fifty-three years next after the feast of Whitsunday next to come: Providing the said Lord Kintail and his foresaids pay for the said wadset the sum of 1000 merks before Whitsunday next to the said Sir John and his foresaids, and at the issue of the said fifteen years other 2000 merks, thereby completing the sum of 3000 merks to be contained in the reversion. With clause of registration. Subscribed at Edinburgh, 21st December 1622, before Sir George Hay of Kinfauns, knight, chancellor of Scotland, Mr. Alexander Mackenzie of Culkowie, and others. Signed, S. J. Grant.

345. Extract Registered Contract between Alexander Lord of Spynie, for himself, as son and heir of the deceased Alexander Lord of Spynie his father, and Sir John

Grant of Freuchie, knight, the preamble of which is that His Majesty, by charter under the great seal, dated at Halyruidhouse, 17th April 1593, gave to the deceased Alexander Lord of Spynie, and the late Dame Jeane Lyon, Countess of Angus, his spouse, in conjunct-fee, and their heirs-male specified therein, the advocation, donation, and right of patronage of the kirks of Kirkmichael, Inverawin, Knockando, Urquhart, and Glenmoriestoun, pertaining of old to the sub-chantry of Murray, and of the parish kirks of Cromdale, Advie, Kincardine, Duthell, Laggan, and Alloway, personage and vicarage thereof, in the diocese of Murray, and divers other kirks, all united to the lordship and barony of Spynie, to be held of His Majesty; and also by another charter to the same late Lord Spynie, dated penult February 1606, the said patronages were united to the lands of Burnside, in the shire of Forfar, etc., with other rights, in all of which the said Alexander, now Lord of Spynie, has been duly infeft: And now in consideration of certain great sums of money paid to him by Sir John Grant of Freuchie, knight, the said Lord of Spynie sells and dispones to Sir John, his heirs-male and assignees, without reversion, the advocation, donation, and right of patronage of the parish kirks of Cromdale, Advy, Abernethy, Kincardine, and Duthel, parsonages and vicarages thereof, and all right and title which he or his heirs, as patrons of the chancellary and sub-chantry of Murray, and of the kirks of Laggan and Alloway, had or may claim to the kirks of Knockando, Urquhart, and Glenmoreistoun, which are parts and pertinents of the patrimony of the said chancellary of Murray, to the kirk of Ardclaith, which is part of the patrimony of the sub-chantry, or to the kirk lands, teinds, etc., of the said kirks, or to the teinds, parsonage and vicarage, of the 26 ploughs of land in the parish of Inverawin following, viz., 4 ploughs of land of the lands of Ballindalloch, 4 ploughs of the lands of Tullocharron, etc., extending in all to 22 ploughs of land, pertaining to Patrick Grant of Ballindalloch; 3 ploughs of Kinmachlon pertaining to John Stewart of Kinmachlon, and 1 plough of Culquheich pertaining to Patrick Grant of Carne, or to the teinds of the 4 ploughs of Mekill Innerchebett pertaining to the said Patrick Grant, in the parish of Kirkmichael, etc. Reserving to the said Alexander Lord of Spynie, his heirs and assignees, the teind sheaves and other teinds of the lands of Kilmanie and others, pertaining to Hucheon Rose of Kilravock, and James Cuming of Altyre, in the parish of Ardclaithe, with the vicarage teinds of the whole parish of Ardclaithe; and because the said kirks of Knokando, Urquhart, and Glenmoriestoun are part and pertinent of the chancellary of Murray, and the kirk of Ardclaith is a part of the patrimony of the sub-chantry of Murray, and the patronage thereof cannot presently be divided from the patronage of the other kirks above mentioned, pertaining to the chancellary and sub-chantry, of Murray, the said Lord Spynie binds himself to make due resignation of the

advocation, donation, and right of patronage of the said chancellary of Murray, comprehending the said kirks of Kirkmichael, Innerawin, Knockando, Urquhart, and Glenmoreistoun, and of the sub-chantry, comprehending the kirks of Rafforth and Ardclaith, and the foresaid parish churches of Cromdale, Advy, Abernethy, Kincardin, and Duthel, parsonages and vicarages of the same, in the hands of the King or his successors, or His Majesty's Commissioners, for new infeftment to be granted to the said Alexander Lord of Spynie and Sir John Grant of Freuquhy, their heirs and assignees, heritably, *alternatis vicibus*, of the foresaid advocation, donation, and right of patronage of the said benefice of the sub-chantry of Murray, comprehending the said kirks of Rafforth and Ardclaith, Lord Spynie to have right to the patronage the first time, and the said Sir John Grant and his foresaids the second time, and so forth under certain conditions, and also for new infeftment to the said Sir John Grant of Freuchie, knight, his heirs-male and assignees, heritably, of the advocation, donation, and right of patronage of the benefice of the said chancellary of Murray, comprehending the said kirks of Kirkmichael, Innerawin, Knockando, Urquhart, and Glenmoreistoun, and of the parish kirks of Cromdale, Advy, Abernethy, Kincardin, and Duthel, parsonages and vicarages thereof, also under certain conditions. With procuratory of resignation. And to the effect that Lord Spynie may peaceably enjoy the teindsheaves and other teinds, parsonage and vicarage, of the said lands of Kilmanie, Daltullie, and others in the parish of Ardclaith, with the whole vicarage teinds of the parish of Ardclaith; the kirklands, teindsheaves, and other teinds, parsonage and vicarage, of all lands in the parishes of Rafforth, Kirkmichael, and Innerawin (except the foresaid 26 ploughs of land in Innerawin, and the foresaid 4 ploughs in the parish of Kirkmichael), and that Sir John and his foresaids may enjoy the kirklands and whole teindsheaves, and other teinds, parsonage and vicarage, of lands in the parish of Ardclaith (except the teindsheaves, and other teinds, parsonage and vicarage, of the foresaid lands of Kilmanie, etc., and vicarage teinds of the whole parish of Ardclaith), it is specially agreed that the said Alexander Lord Spynie, his heirs-male and successors in the right of patronage of the said sub-chantry of Murray, shall be held, and he hereby binds himself to give consent to all tacks and rights acquired or to be acquired by the said Sir John and his foresaids of the kirklands, teindsheaves, and other teinds of the parish of Ardclaith (except as above excepted), and to admit no person to the benefice of the subchantry without sufficient security that he would ratify such rights, and lend his name to impugn any rights granted to other persons, etc. And Sir John binds himself, his heirs and his successors in the right of patronage of the said Chancellary of Murray, to give consent to all tacks and other rights acquired or to be acquired by the said Alexander Lord Spynie, or his foresaids, of the kirklands, teinds, and others after mentioned, viz., the teinds,

parsonage and vicarage, of the lands of Kilmanie, etc., in the parish of Ardclaith, with vicarage teinds of the parish, the kirklands, teindsheaves and other teinds, parsonage and vicarage, of all lands in the parishes of Rafforth and Innerawin, and Kirkmichael (except the 26 ploughs and 4 ploughs before excepted), and in like manner binds himself not to present any person to the Chancellary of Murray without sufficient security that he would ratify such tacks, etc. With obligation by Lord Spynie to consent, as patron of the kirks of Laggan and Alloway, to all leases and rights of the teinds acquired or to be acquired by Sir John Grant and his foresaids, of the davoch of land called Laggan, in the parish of Laggan, extending to 4 ploughs, and half davoch called Delfour, in the parish of Alloway, and not to present any person to the kirks of Laggan or Alloway, but such as would ratify such rights, etc. Dated at Halyrudhouse, 24th December 1622, and registered in the Books of Council, 3d April 1624.

346. Extract Registered Contract made between Sir John Grant of Frewquhie, knight, for himself, and taking burden upon him for William M^c^Intosch of Torchastell, knight, on the one part, and Allane Cameroune of Lochyeill and John Cameroune, apparent thereof, his eldest son and apparent heir, as principals, Sir Rorie Makeleod of Hereis, knight, Sir Dougall Campbell of Auchinbrek, knight, Duncan Campbell, fiar of Auchinbrek, his son, Mr. Donald Campbell of Parbrek Lochaw, and Allane Macklean of Ardgour, as cautioners and sureties, conjunctly and severally, for the said Allan Cameroune of Lochyeill and John Cameroune his son, on the other part, as follows, viz., the said Sir John hereby binds himself, his heirs and assignees succeeding to him in the right of the lands of Glenloy and Locharkag, to lease, and hereby leases to the said John Cameron, apparent of Lochyeill, his heirs, assignees, and subtenants of no higher degree and estate than himself, for the space of ten years, the lands of Glenloy and Locharkag, with mills, fishings, and grazings thereof, which pertained to the deceased Sir Lauchlane M^c^Intosche of Torchastell in heritage, lying in the lordship of Lochaber and shire of Inverness, his entry being at the term of Whitsunday last in the year 1623, with power of bailierie, and to input and output tenants, uplift herezelds, etc., the said lands to be held of the said Sir John Grant, knight, and his foresaids; reserving to the said Sir John and his foresaids the whole woods, timber and trees, growing and standing upon the said lands, which are excluded from the present lease. The said John Cameron accepts the said lands in lease with and under the foresaid reservation. The said Allan Cameroune of Lochyeill and John his son, as principals, and the persons above named as cautioners, also bind themselves, their heirs, successors, etc., to pay yearly to the said Sir John and his foresaids, within the place of Ballachastill at the feast of Martinmas in winter, the sum of 1200 merks Scots,

to relieve him and them of all taxations imposed on the said lands, and to warrant and relieve the same at the hands of the authority royal of all peril, danger, and inconvenient that may fall upon the said Sir John or his foresaids, or with which he or they may be challenged as master and landlord to the said John Cameroune and his foresaids of the said lands for any fact or deed to be done by them in time coming only; with clause of warrandice of the said lease, Sir John engaging to keep the lands "frie, saiffe, and sure at all handis contrair and aganis all deidlie as law will" to the said John Cameroune and his foresaids; and the said Allan and John oblige themselves to pay to the said Sir John and his foresaids the bygone taxations of the said lands for the two last terms of the great taxation of £100,000. And as the said deceased Sir Lauchlane Mackintosche of Torchastell, knight, as oy and heir of the deceased Lauchlane M'Intosche of Dunnachten, his grandfather, was resting owing to the said Allan Cameroune of Lochyeill the sum of 6000 merks Scots, as contained in a minute accorded and subscribed by the parties, Sir John Grant binds himself and his foresaids to cause and move the said William Makintosche, on attaining to his perfect age of twenty-one years complete, either to pay to the said Allan Cameroune, and failing him, to the said John Cameroune his son, and his heirs and assignees, the foresaid sum of 6000 merks, or secure them therefor by bond or cautionry, or by sufficient infeftment in the half of the said lands of Glenloy and Locharkag, conform to the contract already agreed upon between the said deceased Sir Lauchlane Makintosche of Torchastel, knight, and the said Allan, and failing thereof, the said Sir John Grant as principal, with others as sureties, hereby binds himself, his heirs, etc., to pay the said sum of 6000 merks, or secure the said Allan, whom failing, his son John, etc., in a part of the said Sir John's own lands therefor, corresponding to the said sum, they making Sir John and his foresaids their assignees to the contract and rights made by the said deceased Lauchlan M'Intosche of Dunnachten, and Sir Lauchlan, on the said sum and rights of the said lands for the same; and in the meantime, till the complete age of the said William M'Intosche, and during the time of the said lease, Sir John Grant agrees to deduct yearly from the said sum of 1200 merks yearly duty above mentioned, and hereby discharges the sum of 600 merks for the annual rent of the foresaid principal sum of 6000 merks, so that the yearly duty of the said lands is restricted to 600 merks only, beginning the first year's payment at Martinmas 1623, under a penalty of £100 Scots for each year's failure. And because Sir John Grant, for relieving the said William M'Intosche of the great burden of debts and sums of money wherein his lands were engaged, was to sell and dispone the foresaid woods of Glenloy and Locharkag, the said Allan Cameroun of Lochyeill, and John his son, as principals, for their interest, engage to give their advice and consent to the

selling of the said whole woods, timber, and trees on the said lands, and become conjoint sellers of the same with the said Sir John and his foresaids, and they and their cautioners bind themselves to maintain, assist, and defend "the personcs, byaris, cuttaris, and transporteris" of the said woods, and that they, their wives, bairns, families, and servants, should be safe, secure, and free in their bodies, lands, goods, and geir, from all harm, danger, or skaith to be done to them during the cutting and transporting of the said woods, and be free from all invasion or trouble from the said Allan and John, their bairns, servants, assisters, and dependants, "and haill kyn and name of Clanchamron dwelling within the boundis of Lochabber, and Hielandis and Yles adjacent therto," as long as the said Allan and his son and their foresaids should continue tenants of the said lands either to Sir John or to M^cIntosche; and in case any other person molest or injure the said merchants, and cutters and transporters of the said woods, and the Laird of Grant or M^cIntosche get law against them, the said Allan, his son and their foresaids, engage to prosecute the law against the said persons and put it to full execution, and further be bound to defend the said merchants, cutters, and transporters "fra all vther forraine peopill," as Lords Lovat or Kintail are bound to their merchants that bought their woods; and in the meantime to preserve the said woods, the tenants taking only for necessary uses: And for further ease and help to the merchants, the said John Cameroune obliges himself to set the two towns and lands of Kailzeros and Auchnacarrie to the merchants that should buy the said woods, for the time of cutting the woods, for yearly payment of the duties, according to the custom of the country. And Sir John Grant, for the said Allan and John's maintaining and defending of the said merchants, binds himself and his foresaids to pay the said Allan, whom failing, John his son and his foresaids, the tenth part of what he should receive for the woods when sold. Further, should it please the said William M^cIntosche, between the twenty-first year of his age and his attaining to the age of twenty-five years complete, to pay to the said Allan and John his son, and his foresaids, the sum of 3500 merks Scots in addition to the foresaid sum of 6000 merks, the said Allan and John as principals, and their foresaid cautioners hereby oblige them and their foresaids that the said Allan, John, and his foresaids shall accept the said sum of 3500 merks, and on payment thereof shall renounce and quitclaim the said lands of Glenloy and Lockarkag, with all right, title, or kindness they had thereto, in favour of the said William M^cIntosche, his heirs-male and successors, conform to the meaning of the foresaid contract made between the deceased Sir Lauchlan and the said Allan Cameroune and the said Allan, his son and their foresaids, shall then perform all the clauses and conditions of the said contract, so far as they were thereby obliged to the said William, as son and heir of the said Sir Lauchlan, and set and find the cautioners

therein nominated to the said William for the indemnity and security of him, his tenants and possessors, of the said lands, in such manner and under such pecunial pains as is contained in the said contract, the said William on his part performing such other conditions to the said Allan his son and their foresaids, as were astricted and obliged by the said late Sir Lauchlan to the said Allan, as are not hereby fulfilled by the said Sir John; the said William also fulfilling to the said Allan such other heads and conditions as the deceased Sir Lauchlan by another writ or band, of the date of the said contract, was bound to perform to the said Allan and his foresaids, which are not hereby fulfilled by Sir John. And for the better performance by the said Allan Cameroune of Lochyeill, his son John, and their foresaids, of their part of the premises, Sir John Grant of Frewquhie, knight, binds himself and his foresaids to obtain, purchase, and procure, to the said Allan Cameroune, a sufficient remission in due and competent form, for all "faultis, wrangis, injureis, and oppressionis, both criminall and civill," committed by him or in his name against any person or persons preceding the date hereof, and also to relieve the said John Cameroune "furth of this present waird, and put him to libertie out of the Tolbuith of Edinburgh," so that he may pass and repass within the kingdom without any impediment, as His Majesty's free liege; and the said Allan, as principal, and the foresaid cautioners, bind and oblige themselves hereby, conjunctly and severally, that the said Allan Cameroune shall compear personally before the Lords of Secret Council on the 10th day of July next to come, in the year 1624, and find sufficient sureties acted in the Books of Secret Council, "to the contentment of the said Lords, vnder sic sowmes as they sall appoynt for the said Allane his good behaviour, and for his obedience to law and justice in all tymes coming, according to his rank and estaitt." Finally, the principals engage to keep their cautioners harmless and skaithless of any peril or expense through their cautionry, and agree to the registration of the contract in the Books of Council and Session. Dated at Kilmichael in Glasrie, the 21st September 1623, the body of the deed being written by John Balvaird, notary in Dunkeld, and subscribed day, year, and place foresaid, before witnesses, John M'Cleane, fiar of Coll, Donald Campbell of Auchindrayne, Patrick Campbell of Stouk, Mr. Dougald Campbell, minister at Kilvichockarmik, Patrick Campbell, son of Donald Campbell of Duntroyne, John Balvaird, notary, and Alexander Kincaid, notary in Kilmichael; and at Arrois in Mull, the 10th December 1623, to the subscription of the said Sir Rorie M'Cleod, before these witnesses, Hector M'Clane, younger of Dowart, Mr. William M'Cleod, sister's son to the said Sir Rorie, Mr. Alexander Pakok, notary; and at Garrowabeg, in Badienoche, 20th of April 1624, before these witnesses, Patrick Grant of Ballindalloch, John Grant of Rothemurchus, John Grant of Glenmorestoun, Patrick Grant of Elcheis,

and John Donaldsone, notary, to the subscription of Sir John Grant of Frewquhie, knight; and at the Cannogaitt, 1st May year foresaid, before these witnesses, William Forrester, burgess of the Cannogaitt, Andrew Foirman and James Gibsone, witnesses to John Cameron's subscription. All the parties sign with their own hands except Allane M'Lean of Ardgour, whose subscription is attested by John Balvaird and Alexander Kincaid, notaries. Registered at the instance of the procurators of both parties in the Books of Council, 15th June 1629.

347. DISCHARGE and acquittance by Archibald Prymrois, clerk to the taxations, and Archibald Campbell, brother-german to Sir James Campbell of Laweris, knight, commissioners underwritten, narrating that Archibald Earl of Argyll had obtained from the King letters of gift under the Privy Seal, of all sums wherein resetters, suppliers, and intercommuners with the Clan Gregor should be fined for such reset, and for good respects offered to the King's treasurer for his Highness's use, £22 out of every £100 he should receive of such fines; and that the fines might be duly collected and his Highness's treasurer might know whom to challenge for payment of His Majesty's part, the Lords of Secret Council, with advice of the said Archibald Earl of Argyll and the late Sir Gideon Murray of Elibank, knight, treasurer-depute for the time for his Highness's interest, made choice of the said Archibald Prymrois and Archibald Campbell to uplift all such fines as the Act made thereanent, of date the 22d July 1613, more fully bears; that the late Duncan Grant, younger of Rothiemurcus, was on 19th May 1613 foresaid, fined in the sum of 2000 merks, "for resetting, supplieing, and intercommowning with the said Clangregour," and the late John Grant of Freuchie became acted and obliged as cautioner for the said Duncan, and Sir John Grant, now of Freuchie, knight, became acted and obliged as cautioner for his father for payment of the said fine of 2000 merks; and because the said Sir John Grant of Frewchie, cautioner foresaid, refused to pay the commissioners the said sum, for the King's benefit and that of the Earl of Argyll, therefore John Earl of Mar, His Majesty's principal treasurer, Sir Archibald Napier of Merchingstoun, knight, treasurer-depute, the said Archibald Earl of Argyll, and the two commissioners raised summons and action before the Lords of Council and Session against the said Sir John Grant; which action was called before the Lords on 23d January last, when the Lords decerned and ordained Sir John Grant now of Frewchie to pay the said sum to the commissioners; and now since the said Sir John Grant in obedience to the decreet and letters of horning raised at the commissioners' instance thereon had paid to them the foresaid sum of 2000 merks, the commissioners hereby discharge him, his heirs, executors, assignees, and successors, of the said sum and fine of 2000 merks, and renounce the foresaid decreet and letters

of horning, which they have delivered to him, to be cut, cancelled, and destroyed by him as he shall think expedient. Dated at Stirling, 7th May 1624. Witnesses, Mr. Gilbert Prymrois, son to James Prymrois, clerk to the Privy Council, and others.

348. DECREET-ARBITRAL pronounced by Walter Lord Deskford and James Master of Deskford, as judges-arbiters and friends, convened upon the debateable bounds between the lands of Muldaries pertaining to the right worshipful Sir John Grant of Frewquhy, knight, and the lands of Nether Auchannasie, pertaining to Harie Gordoun, the discussing and judging of the marches thereof being referred by both parties to the said arbiters, who, having considered their claims and probation, with consent of both parties, pronounce their final sentence, and ordain as follows:—"That the said Sir John, his tennentis and servandis duelling wpoun his saidis landis of Muldareis, sall haif lonyng and fre passage with their bestiall and guidis to the hill and pastour of Auchannasies as the loning presentlie pottit, mercheit, and methit in maner as followis, to wit, the said loyn to begin as the Kilburne of Muldarie rynnes in the Loyn burne, going directlie thairfra to the merche dyk betuix Auchluncart and Nether Auchannasie to the fute of the hill at the west, and fra the Loyn burne to the boundis pottit and mercheit, quhairin the said Harie sall big his ward dyk at the eist, quhilk sall remane as ane loyn in all tymes cuming; reservand alwais to the said Harie Gordoun the lawbouring and wynning out sic boundis as ar alreddie designet to him in the appoyntment past betuix the guidman of Auchluncart and him." Which conditions both parties accept, and allow and ratify the present decreet; and the judges, with consent of parties, decern that the said Harie shall peaceably enjoy the rest of his wards, and all other possessions and privileges belonging to the lands of Nether Auchannasie; and both parties agree to observe the decreet, and that the foresaid "loyn" shall only serve the said lands of Muldaries to the hill of Auchannasie, and that the possessors of the lands of Muldareis should not suit or claim any other "loyn" to the said lands from the lands of Nether Auchannasie to the hill except the loyn foresaid. Dated at Muldarie, 7th September 1625. Witnesses, Alexander Abercrumby of Birkinboig, John Ogilvy of Miltoun, Thomas Abercrumby of Skeyth, Patrick Gibson of Shereffmyln. Signed, "Deskfoord. James Ogilvye. S. J. Grant. H. Gordone."

349. LETTERS OF RATIFICATION, whereby, for the zealous affection that Sir John Grant of Freuquhye, knight, patron of the benefice of the Chancellary of Moray, had to the glory of God and propagation of the gospel of our Saviour Jesus Christ, and to encourage him therein, and for divers other good deeds done by the said Sir John

to the granter, Mr. Alexander Innes, Chancellor of Moray, he ratifies, with consent of John Bishop of Moray, his ordinary, and canons of the Cathedral Kirk of Moray, the lease made to the late John Grant of Freuquhye, his heirs, assignees, and subtenants, by Mr. William Clogye, late Chancellor of Moray, with consent of the deceased Alexander, last Bishop of Moray, and Canons of the Cathedral Kirk thereof, upon the teinds, both parsonage and vicarage, of the parish kirks and parishes of Innerawin, Kirkmichael, Knockandoche, Wrquhart, and Glenmoristoun, in the diocese of Moray, pertaining to the benefice of the Chancellary of Moray. The granter also ratifies the decreet of prorogation granted to the said deceased John Grant of Freuquhye and his foresaids of the said lease by the Lords Commissioners of Plat, appointed by the late King for plantation of kirks, for all the years contained in the said lease and decreet, and engages never to quarrel or impugn the same; the said Sir John paying timeously and thankfully to the ministers serving the cures of the said kirks their yearly and local stipends decerned to be paid to them by the said Lords Commissioners of Plat. The granter further binds himself to give new rights, etc., to the teindsheaves and teind vicarage of the same, whenever required by the said Sir John and his foresaids, for payment of the teind silver and teind vicarage silver, in use of payment for the same, appointed to be paid for the local stipends of the ministers serving the cures. Dated at Elgin, 16th November 1626. Witnesses, Patrick Gibsone of Shirefmill, Mr. William Clogye, minister at Inverness, Mr. David Dick, parson of Cromdell, Mr. William Guthrie, minister at St. Androis kirk, and John Donaldsone Signed, "M. A. Innes, Chancellor of Morray."

350. Contract of Excambion made between Sir John Grant of Frewquhye, knight, heritable proprietor of the lands underwritten, with consent of Dame Marie Ogilvie, Lady Grant, his spouse, and the said Dame Marie for herself, her right and interest, with consent of Sir John, her spouse, narrating a contract matrimonial, dated 11th December 1613, registered in the Books of Council and Session 24th August 1622 years [No. 333 *supra*], in terms of which the said Sir John and Marie Ogilvie were infeft, in conjunct-fee, in the lands of Mulben, etc., lands of Easter, Wester, and Mid Muldaries, etc., Brigtoun of Spey, etc., Over and Nether Kinmenitie, etc., as principal, and lordship of Abirnethie, etc., in warrandice; and whereas the said Marie was lawfully infeft, by disposition of Sir John, her spouse, in the lands of Auchendaren, by charter in liferent, dated 1st December 1620: And now considering, by advice of friends, how necessary it was that Sir John, for the benefit of his estate, should have in his own person the full right and title of the foresaid lands, the said Dame Marie consents to give her renunciation thereof in Sir John's favour, excepting the lands of Mulben and pendicles and

lands of Meikle Balnabroyche, Auchroisk, and Littill Balnabroyche, and teinds of the same, whereto the said Dame Marie was provided and had right after the decease of Lilias Murray, Lady Grant, his mother; wherefore Sir John, in excambion, recompense, and satisfaction of the said Dame Marie's renunciation and discharge of her said conjunct-fee and liferent hereby made, obliges himself, his heirs and successors, to infeft and seise the said Dame Marie Ogilvie, his spouse, in liferent, by two several charters and kinds of holding, to be held of Sir John in free blench, for payment of one penny at Whitsunday, if asked, and for payment of the duties to the superiors, the other to be held of the superiors, whose consent Sir John engages to procure at his own expense, in the lands and barony of Lethin, comprising the Maynes of Lethin, with manor-place and fortalice, Miltoun and Mill of Lethin, lands of Lethinbar and others, with the teindsheaves of the said barony, in the shire of Nairn, excepting the lands of Ar; also, in the lands of Bellivat, Auchingonr, with salmon-fishing on the water of Fyndarne, Arclache, with mill and salmon-fishing on the Fyndarne, Heremitcis Croft, and Daldareth, with teindsheaves of the same, in the tenandry of Fynlarg, diocese of Moray, and shire of Nairn, held by Sir John, in feu-farm, of the Bishop of Moray; also, in the lands of Farnichtie and Newlands thereof, with the teindsheaves, in the barony of Farnen, lordship of Urquhart, and shire of Nairn, held of the Earl of Dunfermline, Lord Fyvie and Urquhart; also, in the lands of Clune, in the barony of Moynes and Golfuird, and shire of Nairn, pertaining to Sir John, as heir of his father, by wadset and disposition made to him by John Dunbar of Moynes and Jean Dunbar, his spouse, and their son, under reversion, of the sum of 10,000 merks; to which wadset right and annual rent of the foresaid sum, in case the same are redeemed during the life of the said Dame Marie, Sir John makes her his cessioner and assignee, binding himself and his heirs to warrant the said lands to the said Dame Marie, providing she relieves his heirs and successors of all taxations presently imposed on the said liferent lands, teind duties, etc., Sir John binding himself that if any further duty or impost be laid on the teindsheaves, her liferent right shall be free of the same, etc., and to deliver to her all tacks of teinds affecting the liferent lands: And because the said lands and barony of Lethin and all the other lands above mentioned were burdened with the liferent of Lady Lilias Murray, his mother, he obliges himself and his foresaids to infeft the said Dame Marie in warrandice in liferent in the lands of Wester Tulloche, Easter Tulloche, Rimoir, and Curris, with teindsheaves thereof, in the lordship of Badyenoch and shire of Inverness, held by him blench immediately of George Earl of Enzie, Lord Gordoun, as also, in certain lands of the lordship of Abernethie, held in feu of James Earl of Moray, namely, the davoch land of Auldtoun and Glenbroctoun, and others, with the teindsheaves thereof,

in the shire of Elgin and Forres; the lands of Culnakyill and Auchnahandett, with the teindsheaves thereof in the tenandry of Fynlarg, diocese of Moray, and shires of Elgin and Forres and Inverness, held in feu of the Bishop of Moray; also in certain lands of the barony of Cromdale, held of the King, namely, Over Auchroisk, etc., in the shire of Inverness; and in certain lands of the barony of Freuquhie, also held of the King, namely, Auchnagall, etc., all in special clause of warrandice of the said Lady Lilias Murray's liferent of the lands and barony of Lethin and others above-written, now provided to the said Dame Marie Ogilvie, in liferent, by virtue of this present disposition; so that if Dame Marie were debarred from possession of the said lands by Lady Lilias Murray's liferent right thereof, in that case the said Dame Marie Ogilvie should have full right and free entry to the lands contained in the special clause of warrandice foresaid, during the lifetime of Lady Lilias; but as soon as Lady Lilias's liferent shall cease by death, or through any renunciation she may be pleased to make, whereby Dame Marie may obtain the principal lands, the clause of warrandice to expire and become null, etc. And forasmuch as Sir John is not yet infeft as heir to his father in the said lands of Clune and Farnichtie, he obliges himself and his foresaids to obtain himself duly seised in the same, so that the said Dame Marie may be sufficiently secured therein. It is also specially provided, that in addition to the foresaid liferent right, there shall also belong to her after the decease of the said Lilias Murray, the lands of the Maynes of Mulben, Little John's Croft, Smith's Croft, Delnannie, Mill of Mulben, Bracan Thome, Mekill and Littill Balnabroycheis, and Auchroisk, with teindsheaves thereof, which were a part of her conjunct-fee lands, and are not hereby renounced. For which causes the said Dame Marie, with consent of the said Sir John Grant, her spouse, of her own free will, hereby renounces and discharges to him, his heirs-male and assignees, her conjunct-fee and liferent of the lands and others, with the teindsheaves thereof, provided to her by the said contract matrimonial, and infeftments following thereon, viz., the lands of Garline, etc., in the barony of Mulben, Easter, Wester, and Mid Muldaries, etc., Auchindaren, etc., as principal, and lands and lordship of Abernethie, and as given in warrandice, with all right she had thereto by virtue of the foresaid contract-matrimonial, or any other right made to her thereupon, and assigns the same in favour of Sir John Grant, her spouse, and his foresaids, so that he may sell or wadset the same at his pleasure: And she engages to renew the renunciation as oft as required, seeing her estate and liferent had been rather benefited by the present excambion than hurt or prejudiced, and to appear before any Judge to ratify the premises when required; and also accepts the provision hereby made as full contentation and satisfaction of all further conjunct-fee, terce, or other that she could claim through the decease of her said spouse, etc. Sub-

scribed at Durne, 27th October 1627. Witnesses, James Lord Deskfoord, Thomas Crombie of Kenno, and others. Signed, "S. J. Grant." "Marie Ogiluy."

351. CONTRACT between Sir John Grant of Freuquhy, knight, on the one part, and John Grant, fiar of Balnadalloche, for himself, and taking burden upon him for James Grant, oy and heir of the late John Grant of Balnadalloche, on the other part, in manner as follows:—That whereas there were two several original feu infeftments of the lands of Balnadalloche, in the lordship of Glencarnych and shire of Elgin and Forres, one granted by the deceased James Grant of Freuquhy, "foir grandschir" of the said Sir John, to the said deceased John Grant of Balnadalloch, "guidschir" of Patrick Grant, now elder of Balnadalloch, and likewise "guidschir" of the said James Grant; and the other of the said original feu infeftments granted by the late John Grant of Freuquhy, grandsire to the said Sir John, in favour of Patrick Grant, eldest son to the said John Grant of Balnadalloch, begot between him and the deceased Barbara Gordoun, his spouse of the second marriage; in respect of which double feu infeftments there might be an action of double warrandice pursued by the heirs of the first feuars against Sir John as heir and successor to his predecessors, granters of the infeftments, the event of which would be uncertain: Therefore, and for eschewing of all plea and question that might arise between the parties concerning the right of the lands and warrandice thereof, Sir John binds himself, his heirs and successors, to make and deliver to the said John Grant, fiar of Balnadalloche, or his heirs, a precept of *clare constat* for infefting of the said James Grant, oy and heir to the said deceased John Grant of Balnadalloch, as heir to his said deceased "guidschir" in the lands above mentioned; and the said John Grant, fiar of Balnadalloch, for himself, and taking burden upon him for the said James Grant, and the said James for himself, obliges him and his heirs to obtain the said James duly infeft in the said lands in terms of the precept; and that on being infeft therein, he shall resign the same in the hands of Sir John Grant, his heirs and successors, as superiors thereof, in favour of and for new infeftment to be granted by the said Sir John or his foresaids to the said John Grant, fiar of Balnadalloche, his heirs-male and assignees whatsomever heritably; on which resignation, and on the resignation of the said lands also made or to be made by the said Patrick Grant elder of Balnadalloche's procurators, in the hands of the said Sir John in favour as above, the said Sir John binds himself and his foresaids to make, subscribe, and deliver to the said John Grant, fiar of Balnadalloche, his heirs-male and assignees, a charter containing precept of sasine of the foresaid lands, conform to the old infeftments thereof to be produced by the said John Grant and his foresaids, the said John Grant becoming bound to obtain himself infeft in the

said lands in terms of the said charter; and on being so infeft, he binds himself and his heirs to renounce and discharge, and hereby renounces and discharges, taking burden on him for the said James Grant, and all other heirs and successors of the said deceased John Grant, first feuar, the action of double warrandice competent, or that might be competent to him or his foresaids, against the said Sir John Grant, or any other heirs or successors of his predecessors above named, and declares that Sir John Grant and his heirs shall only remain subject in single warrandice: And the said Sir John Grant renounces for himself, his heirs and assignees, in favour of the said John Grant, fiar of Ballindalloch, and his foresaids, all reversions, etc., made by the latter or his predecessors to the said Sir John or his predecessors for outquitting the said lands, and all right of redemption thereof, and is content that the lands remain with the said John Grant and his foresaids, heritably and irredeemably, in all time coming. And the said John Grant engages to move and cause the said James Grant to subscribe this contract in presence of four famous witnesses. Dated at Edinburgh, 19th March 1628. Witnesses, Ewin M^cGregor, brother to the Laird of M^cGregor, Patrick Gibsoun of Shirrefmilne, Thomas Grant of Dalvy, James Grant in Rimoir, etc. Signed, "S. J. Grant." "Johne Grant."

352. EXTRACT DECREET by the Lords of the Privy Council, anent letters raised at the instance of Patrick Grant of Ballindalloch, narrating an Act of the Parliament held at Edinburgh in July 1594, by which it was ordained that every thief, sorner, and broken man, should be esteemed the man and servant of him of whom he has land in tillage or pasturage, whom he accompanies to conventions, or in whose ground he is reset and tarries twelve hours together with the knowledge of the landlord, being of power to apprehend him, etc., and complaining that James Grant of Daltalies was, on 30th July 1618, denounced rebel and put to the horn for not compearing before His Majesty's justice and his deputes to underly the law for the cruel slaughter of the deceased Patrick Grant in Lettache, as the letters of horning against him bear, and since his denunciation he has associated with himself a number of broken "Hieland men of the Clanrannald, Clangregour, and some others out of Strathspey and Stradoun, and with these lawlesse lymmars, armed with vnlawfull weapons, he goes athort the countrie, committing opin stouthes, heirships, sorning, and depredations in all parts of the countrie," upon all good subjects, especially upon the complainer's kin and friends, and on the day of November last, he came to the complainer's lands of Innererar, and by way of "stouthreaffe" reft from his tenants thereof sixscore nolt, twelve horses, six mares, and eight sheep; he was the chief instrument of the troubles fallen out between the family of Carroun and that of the complainer, and of the slaughters committed *hinc inde*, is become "ane opin reaver,

sorner, and oppresser;" that he is man, tenant, and servant to Sir John Grant of Frewchie, is a branch of his house, dwells upon his lands, accompanies him in hosting and hunting, has his chief dependance upon him, his ordinary and frequent reset within his bounds, where he had often remained twelve hours together, with the privity and knowledge of the said Sir John, who was and is of sufficient power to have apprehended him, but who takes upon him the patronage and defence of the said James, who under his assurance goes in sorning manner "athort" the country, and therefore the said Laird of Grant ought to present and exhibit him before the Council, to underly the law for the said crimes: and anent the charges given to the Laird of Grant, as master and landlord of the said James Grant, to compear and present him before the Lords of the Privy Council on a certain day bygone, under pain of rebellion and putting of him to the horn: The Lords of Secret Council absolve the said Sir John from the pursuit and complaint, and from the petition of the said pursuer therein, and all points and clauses contained in the foresaid letters; because it was alleged by the pursuer, that the said James Grant was within the defender's bounds gathering his forces before committing the depredation libelled, and remained forty-eight hours together upon his bounds with his knowledge, and that he was advertised thereof by the Baron of Kilmachlic, and by his own uncle, bailie of the bounds; which point the pursuer, instead of all other probation, referred simpliciter to the said defender's oath of verity, and he being deeply sworn thereupon, declared that the same was not of verity. Dated at Halyruidhous, 29th January 1629.

353. Extract Registered Contract between Sir John Grant of Freuquhie, knight, and Captain John Mason, by which Sir John Grant sells to the latter, his heirs and assignees, his woods within the countries and parishes of Abernethie, Kincardine, and Glencarnie, and timber in the same, to be cut and taken away by him at his pleasure, for forty-one years after date; with water mills and water courses, and power to build and uphold new water mills; and also leases to him the dwelling "rowmes" of Culnakyill and Abernethie, and either of them for the said space, with a hundred acres of arable and pasture land, for payment of the rent in use to be paid therefor; Sir John warrants to the said Captain John Mason and his foresaids, and their servants and workmen, safe and free egress and regress, and passage through any of his lands needful for transporting the wood and timber to the water and mills, "that they shall have frie transport, carryage, and convoy of the saids woods and timber throw and downe the river of Spey to the sea, without paying toll or tax to ony persone or persones," with liberty to build and uphold a house and a timber wharf or close at the haven or mouth of Spey, to keep their timber unstolen by ill-disposed persons, the said Captain paying duty yearly for the same: and Sir John further

engages to defend the Captain, his workmen and their families, from all wrong, hostility, and invasion; and to cause and move his tenants to serve the work for wages, etc. And if any ironstone or minerals shall be found during the said time within his lands, Sir John binds himself to join in copartnership with Captain Mason, and to furnish half of the charges for erecting ironworks, etc. For which causes Captain John Mason binds himself, his heirs, executors, and assignees, to pay to Sir John, his heirs and assignees, within the dwelling-house of Colonel Harie Bruce, in the burgh of Canogait, £20,000 Scots, 20,000 merks to be paid before Whitsunday next 1631, under penalty of 1000 merks; and the other 10,000 merks before Whitsunday 1630 [*sic*], under a penalty of 500 merks: Under this reservation, that the said Captain John Masone shall grant and hereby grants to Sir John and his tenants of his lands of Abernethie, Cromdell, Innerewey, and Glencarne, to cut and transport as much wood as they required for their own uses, etc. Dated at Freuquhie, 28th August 1630. Witnesses, Patrick Earl of Tullibardine, Lord Murray and Gask, Robert Murray his brother, Colonel Harie Bruce, Robert Grant of Clachaig, Walter Innes apparent of Balvenie, and George Sterling brother to William Sterling of Ardraich. The contract is registered in the Books of Council 6th June 1631.

354. EXTRACT from the Books of Acts of Adjournal, of a decreet by the Court of Justiciary, held in the Tolbooth of the Burgh of Edinburgh, on the 4th of August 1632, by Mr. Alexander Colvill of Blair and James Robertoune, advocate, justice-deputes of William Earl of Stratherne and Monteith, etc., Justice-General of the King, pronounced in the action and cause criminal pursued at the instance of John Grant of Ballindollache, for himself, and as procurator for Archibald Grant of Dalvey, Patrick Grant as brother to the deceased Thomas Grant in Dalvey, and as master to the late Lachlan M^cIntosche, brother to James M^cIntosche in Fones, also as procurator for Alexander Tailzeour in Lyndarchie, William Glacien in Preisthill, and other pursuers named in letters raised and executed against Allaster Grant in Waster Tullochie, as also at the instance of Sir Thomas Hoip of Craighall, knight-baronet, his Majesty's advocate for His Highness' interest, against the said Allaster Grant, bearing that the said Allaster Grant, in the month of November 1628, accompanied by James Grant, brother of the deceased John Grant of Carroun, and their complices, lawless and broken men, came to the ground and lands of Leachvichgoun and Innerernan, pertaining to the said John Grant of Ballindollache, and possessed by him and his tenants, and stole and took away from the said lands, kine, oxen, horses, mares, ewes and other plenishing, as narrated in the said criminal letters: And in like manner the said Allaster Grant, with his complices, on the 23d April 1630, came to the lands of Ballindalloche of purpose to have harried and "spuilzeit" the same, and there most

cruelly murdered and slew the late John Dolles, who was in company with the said John Grant of Ballindolloche in defending of his goods; and for art and part of the said Allaster's oppression, committed by him upon the lands of Alviche and Tynmour, against the said John Grant of Ballindolloche, and his tenants; finally, that the said Allaster, with his complices, in the month of August 1628, cruelly and unmercifully murdered and slew Thomas Grant of Dalvey, and Lachlane Makintosche, brother to the said James M^cKintosche in Fones: which criminal letters and dittay being referred to an assize, they being sworn, found and declared in one voice "the said Allaster Grant to be fyllit culpable and convict of the forsaid hership, thift, reaff, and oppressioun," committed by him and his complices upon the lands of Leachvichgoun and Innerrerauchie, in November 1628, against the said John Grant of Ballindollach, and his tenants thereof, also of being in company with James Grant, brother of the deceased Patrick Grant of Carroun, at the slaughter of the said late John Dolles, and hership of the lands of Alvich, and of being in company with the late John Grant of Carroun at the slaughter of the said late Thomas Grant of Dalvey, and the late Lachlane Mackintosche, on the lands of Rothimoone in Abernethie, in August 1628. For which causes the Justice, by the mouth of Andrew M^cCartour, dempster of court, adjudged the said Allaster Grant to be taken to the Market Cross of Edinburgh, "there to be hangit quhill he be deid;" and his goods to be escheated to the King. After pronouncing of which sentence, an Act of Council was produced, dated at Halyrudhouse, 31st July 1632, commanding the Provost and Bailies of Edinburgh to postpone the execution of the said doom until His Majesty's further pleasure was known concerning the said Allaster. On all which the said John Grant of Ballindalloch asked acts and instruments.

355. CONTRACT entered into by Sir John Grant of Frewquhie, knight, heritable proprietor of the lands and others underwritten, with the special consent of Dame Marie Ogilvie, Lady Grant, his spouse, and the said Dame Marie for herself, her own right, title, and interest, with special advice and consent of Sir John, her spouse; narrating that, by their matrimonial contract, dated 11th December 1613, registered in the Books of Council and Session 24th August 1622 [No. 333 *supra*], the lands of Mulben and others enumerated were given to them in conjunct-fee, wherein they had subsequently been infeft and seased by charters and sasines, both principal and warrandice; and by disposition of Sir John to her, dated 1st December 1620, Dame Marie was infeft and seased in the lands of Auchindaren in liferent; and by a bond and disposition signed by her, of date at Durn, 27th October 1627 [No. 350 *supra*], the said Dame Marie renounced, in Sir John's favour, the lands given to her under these two deeds, except certain lands excluded from the

renunciation, and received the lands and barony of Lethin and others in exchange and recompense of her renunciation, as principal, and other lands in warrandice of the same ; and now Sir John and Dame Marie, considering how necessary it was that he should have the full right of the lands given in excambion in his own person, to the effect he might freely sell, wadset, and dispone the same, for defraying of debts and burdens, the said Dame Marie, out of her special love and favour to him and to the standing of his house, is willing to renounce, and hereby renounces and overgives in favour of Sir John, his heirs and assignees whomsoever, her liferent right of the lands and barony of Lethin, Bellivat, Farnichtie, and Clune, and other lands disponed to her by the bond above mentioned, both principal and warrandice, with the teind sheaves thereof, and in token of her free and voluntary renunciation subscribes the present writ, and obliges herself, if need be, to appear judicially before any judge ordinary in a fenced court and repeat her renunciation, and make faith that she is noways coacted nor compelled hereto, but is pleasantly contented therefor by her acceptance and her husband's granting of the infeftments and provisions aftermentioned, which Sir John in all reason and equity is bound and obliged to give, and to infeft her in liferent in as many lands of as good rent, stock, and teind as the lands she had renounced ; and therefore, in exchange to the said Dame Marie, for her former renunciations of her conjunct-fee and liferent, made by her former bond, and now by this present bond and disposition, Sir John binds himself, his heirs and successors, to vest and sease the said Dame Marie Ogilvie, his spouse, in liferent, in the following lands, with the teindsheaves included, by two sufficient and separate charters, etc., viz., the lands of Brodland of Wrquhart, extending to an £8 land, the £4 land of Easter and Wester Killsanctninianes, the £4 land of the two Kerrowgeris, the £4 land of Drumboyes, the £4 land of Gartallie, mill, mill lands, and multures thereof, the 40s. land of Polmalie, the £6 land of Three Inshebreinis, 40s. land of Dulsangie, 40s. land of Diviauchmoir, £6 land of Three Bunloidis, with the tower and castle of Wrquhart, in the barony of Wrquhart and shire of Inverness, to be held of the King and his successors, as superiors, in feu-farm, for yearly payment of £46 to His Highness's treasurers or collectors of his rents in Scotland, the liferent to cease in case of not timely payment of the feu-duty. Item, in the £4 land of Morull, 40s. land of Lochliter, 40s. land of Little Clune, 40s. land of Diviauchreich, 20s. land of half Clunemore, in the barony of Corriemonie and sheriffdom of Inverness, to be held of the King and his successors, for payment yearly of £13, 13s. 4d. of feu-duty, with clause irritant as above, reserving to the granter, his heirs and successors, liberty to draw dams and passages to the ironworks in Wrquhart, with liberty to put and build the said ironworks on the lands, providing Sir John and

his foresaids upheld the rental of the lands wherethrough and whereon the said dams, passages, and ironworks should be drawn and built, and reserving in the same way the use of the whole woods thereof for the use of the ironworks, "except to serwe the wse of the cuntrey furthe of the woodis of Lochliter, Inshebreines, Gartalie, and Dulsangie," at the will and pleasure of the tenants and inhabitants. Item, in the lands of Lethindie, and crofts thereof, called Tailzeour Oigis Croft, John Dow Catanocheis Croft, Croft Dain, Croft Mallache, Thommakeand, corn mill of Lethindie, Walkmill of Lethindie, and croft thereof, lands of Rieneballiche, Over, Nether, and Mid Auchroiskeis, Garline, and Kirktoun of Cromdall, in the barony of Cromdall and shire of Inverness. Also in the lands of Glenlochie and mill thereof, in the barony of Frenquhie, to be held of the King and his successors for ward and relief: and in the lands of Wester Tulloche and mill thereof, Easter Tulloche and Riemoir, in the lordship of Badzienoche and shire of Inverness, to be held of George Marquis of Huntly, or George Lord Gordoun, his son, or either of them having right of the superiority thereof, their heirs and successors, in free blench ferm, for payment of a penny yearly if asked only: with clause of warrandice and tack of teinds of the said lands. Sir John further engages to infeft his spouse in liferent in any other land he should acquire or purchase; and Dame Marie accepts the present bond, with the lands of Mulben, etc., in full contentation of all conjunct-fee, etc., to which she might have right on the decease of the said Sir John. Dated at Ballachastell, 21st June 1634. Witnesses, Robert Grant of Lurg, Sir John's uncle, John Donaldsone of Arr. Signed, "S. J. Grant." "Marie Ogiluy."

356. EXTRACT RETOUR of Sir John Grant of Fruquhie, as heir to his father, John Grant of Fruquhie, in the town and lands of Nether Kilminnetie, with manor place, tower, and fortalice thereof, the town and lands of Nether Tarmores, town and lands of Killeismondis, Over and Nether, and the hauchis thereof, with the brewhouse and Craigis croft, with power to build a mill upon any part of the said lands; the lands of Ovir Kinminneties, the two oxgangs of lands of Newmilne of Strathylay, in the barony of Strathylay, regality of Kinloss, and shire of Banff, all which are valued as follows:—Ovir and Nethir Killeismondis, the hauchis, brewhouse, and Craigie's croft, £15, 6s. 8d. Scots, with four bolls of custom oatmeal, 4 bolls 2 firlots custom oats, 4 wedders, 8 geese, 22 capons, and 32 poultry, 16 long carriages, with other services due and wont; Ovir and Nethir Tarmores, £8 Scots, two bolls custom oatmeal, 2 bolls custom oats, 2 wedders, 2 geese, 12 capons, 12 poultry, 16 long carriages, and other services due and wont; towns and lands of Nethir Kinminnetie, £3 Scots, and "lie rinn mairt siluer" to the sum of 15s. 6d., with a boll of custom oatmeal, a boll of custom oats, a wedder, a goose, 6 capons, and 6 custom poultry, 4 long carriages,

with other services due and wont, as the ancient ferme duty of the said lands; and for the 7 bolls custom oatmeal abovewritten, in money the sum of 46s. 8d.; for the 7 bolls 2 firlots custom oats, 25s.; 7 custom wedders, 35s.; 11 geese, 9s. 2d.; 40 capons, 26s. 8d.; 50 poultry, 16s. 8d.; 32 long carriages, and other services due and wont, 46s. 8d., and 40s. for grassums, and in augmentation of rental, extending in whole to the sum of £38, 18s. at Whitsunday and Martinmas, in name of feu-farm, with duplication at the entry of every heir, and giving three suits at the three head Courts held at the Grange of Strathylay yearly; and personal presence of the tenants of the said lands in the justice-eyres of the regality of Kinloss, as often as they happen to be held at the monastery, one sasine to be taken on the lands of Killeismondis to be sufficient: Item, the lands of Over Kinminneties for £5, 6s. 8d. Scots, as the ancient feu-duty, 2 bolls of custom oatmeal, etc., "rinn mairt siluer," 11s., etc., extending in all to £9, 5s. 4d. yearly, to be paid at Whitsunday and Martinmas, with duplicand, and the like suit and presence; and if the feu-duty ran on unpaid for three years, the infeftment to lapse. Item, the two oxgangs of Newmilne of Strathylay, the sum of 35s. 6d. Scots, for the farms and customs of the said lands: and that the foresaid lands were formerly held of Walter Abbot of Kinloss and his successors, the abbots and convent of the said monastery, in feu-farm, and now of King Charles and his successors. Inquest held in the Sheriff-Court of Banff, in the Tolbooth of the burgh of Banff, 22d July 1634.

357. Copy SUMMONS under the Signet of King Charles the First, narrating that the Lords of Privy Council were informed that great numbers of sorners and broken men of "the Clangregour, Clanlauchlen, Clanrannald," with other broken clans in the Highlands, Stradoune, Glencoe, Bramar, and other parts, and divers of the name of Gordoun, with their dependers and followers, had a long time past and lately very grievously infested good subjects in the north, especially the Laird of Frendraucht and his tenants, by frequent depredations and barbarous cruelties committed upon them, and by a late treasonable fire raising in the Laird of Frendraucht's bounds, whereby not only were all that gentleman's lands laid waste, with his whole goods and bestial spoiled, slain, and mangled, some of his servants killed and cruelly "demayned," but the whole tenants of his lands and domestics of his house had left his service and lands, and he himself at the hazard of his life had been forced to steal away under night, and have his refuge to the Council, "and thir dissordares ar grovin to that hight that almost novhair in the northe countrie can anie of our good subjectis promis safetie to ther persounes or meanes," breach of the peace being so universal and fearful that the very towns and burghs were in continual danger and fear of some sudden surprise by fire or other ways; that the Lords of Council

in these circumstances had resolved to get true information of the authors of these disorders, their abetters and resetters, and to take exemplary order thereanent that the delinquents might receive punishment, and peaceable subjects be repaired of their losses, and secured in time coming from the incursions of these broken men; and therefore charge is given to summon Sir John Grant of Freuchie, knight, and William M^cIntoische of Torcastell, masters and landlords to these broken men, and chieftains of their clans, through whose bounds these broken men have repaired with their depredations, and who in that case ought to be answerable for these men by the laws of the country, to compear personally before the Lords of Privy Council on the 13th January next, to give information anent the slaughters, depredations, and other disorders committed upon the Laird of Frendraucht and his tenants and servants and other subjects in the north, since the burning of the tower of Frendracht, and to underlie such order regarding the peace of the country, and redress to be made by them to His Majesty's oppressed subjects of their losses sustained by these broken men since the burning of the house of Frendracht, as by laws and Acts of Parliament might be found necessary, under the pain of rebellion and putting of them to the horn, with certification if they failed, that beside the denunciation as rebels, such further exemplary course should be followed out against them as the King's honour and peace of the country required. Given under the signet at Edinburgh, 13th November 1634.

358. Copy SUPPLICATION to the Lords of Secret Council by John Grant, apparent of Balnadallach, for himself, and in name and behalf of his friends, tenants, and servants, setting forth that whereas their Lordships were not unmindful of the fire raisings, murders, and herships, committed upon him and others of His Majesty's subjects by the traitor James Grant and his complices, who so wasted Ballindalloch's whole land, and made such havoc of his estate and living, for three or four years, that he was utterly undone, till at last by the efforts of the Earl of Moray, James Grant was apprehended and made prisoner within the Castle of Edinburgh, wherein he remained a long time, and at many examinations before their Lordships, alleged the Lairds of Grant and Glenmoristoune, with their tenants and servants, to be resetters, and maintainers of him and his complices in all his rebellious courses, which also was verified by the late Allester Grant and divers other witnesses; but in the time of trial of the said James and his said assisters, he broke ward forth of the Castle, went to the north, and has lived there ever since, among the tenants, dependers, and followers of the Lairds of Grant and Glenmoristoun and his sons, under whose connivance he lurked. At last, in November last, he, accompanied with his brother George Grant, and others, to the number of fifteen persons, all in arms, took the

complainer captive, beside his own house, and carried him with them to "ane mirk dungeon, within ane kill logy," where they kept him for the space of twenty-two days, and during that time urged him to the performance of the following conditions:— "First, to procure generall remissiones to Glenmoreistoun and his children, to Allane M^cRannald of Lundy, and to all the responsall men quha had ressauit him, quha ar tennentis, servantis and dependeris vpoun the Lairdis of Grant, Glenmoreistoun, Allane M^cRannald, the hous of Carrone and the Marquis of Huntlie; 2°, To giwe ane discharge to Glenmoreistoun of 4000 merkis, addebtit be him to me; 3°, To obteine ane discharge from the Erle of Murray to Allane M^cRannald of 5000 merkis; 4°, To discharge the sowme of 4000 merkis resting be the Marquis of Huntlie and Carrone's tennentis to me; 5°, To pay ten thowsand pundis in reddie money to himselff; and lastly, that I suld submit my persoun and estait to the Laird of Grant, and cum in his will, and nevir compleane of any wrong done by him to me." Their Lordships might therefore easily perceive who had been, and yet were, the authors and assisters of the said traitor James and his complices in their treasonable courses, and whom he esteems to be his special friends and well willers; and as their Lordships had convened the said Lairds of Grant and Glenmoreistoun, and since the said Laird of Grant is chief of clan to the said traitor, and the Laird of Glenmoreistoun is a special branch of the Laird of Grant's house, of whom the traitor, his brother and son, are descended, and therefore by the laws and practice of the realm ought to produce the culprits, which is a thing of no difficulty to them, and not "prestable" by any other without great charges, shedding of blood, "and the feid of the haill name of Grant." Ballindalloch therefore petitions the Lords that after the example of King James the Fifth they should commit to prison the Lairds of Grant and Glenmoristoun, till they present and exhibit the rebels before their Lordships, etc. The Lords' answer to the petition is dated Edinburgh, 29th January 1635, ordaining the Laird of Grant and young Glenmoriston to be warned to "heir the desyre of the bill grantit."

359. Draft Answers given in by the Laird of Grant to the Lords of His Majesty's Privy Council anent the settling the peace of the country. Indorsed, January 1635.

"Quhair it pleissis your Lordshipis to be informit of me quhat wes the occasioun and quho wer the authouris of the break of the name of Gordoun, I declair I know not becaus I ly far distant from them."

As to the breach of peace in the Highlands, Sir John advises that there should be order taken for suppressing the surnames and clans following "quha are in vse and custome to steall and tak away herschipes," viz., the Clan Gregor, some of the Clan Chamroun, Clan Ronald, and Clan Lachlan, the reason of whose boldness and pertness

for some time bygone was that they knew no man had a commission to prosecute or apprehend them, and the only remedy was to grant ample commissions to sufficient landed gentlemen to take, punish, and suppress such malefactors in time coming. If every landed gentleman had such a commission it would be impossible that these malefactors should escape. As to particular names, Sir John could not give a complete list at that time, but if lawful time were given he would do his best to inform himself and give their Lordships satisfaction. And as to taking order with this great breach of the peace, "on my honour and credeit I know no man so powerfull to suppres the samyn as the Marquheis of Huntlie him selff, and except ther be ordour takin now to suppres the Hielands, this brek of the Gordones is just nothing to the subsequent brek that sall follow amongs theis lawles wagabounds." This the Laird declared upon his honour and conscience, and in token thereof subscribed the principal document.

360. Extract Registered Contract and Appointment between Sir John Grant of Frewquhie, knight, and John Grant, fiar of Ballindalloch, premising that there had been sundry questions between them, actions before the Lords of Secret Council and other Judges for sundry wrongs and injuries sustained by the said John Grant, fiar of Ballindalloch, his friends and servants, done to them by James Grant (of Carron) and Robert Grant his brother, and George Grant, son natural to the said , all rebels, and their lawless complices; which actions and deeds had tended to the prejudice of both the said parties, and disturbance of the public peace: Wherefore, to the end that all debates and controversies should be removed, and that the parties and their friends might live in perfect peace and amity in time coming, they hereby renounce, and discharge each other, their heirs, executors, and assignees, of all actions, civil or criminal, they had against each other, for any cause, by virtue of whatsoever bonds, acts of lawborrows, acts of Secret Council, or acts of Parliament, or forfeiture of either party, or any deed or deeds preceding the date hereof by any of the name of Grant, to either of them, their friends, tenants, and servants, or otherways whatsoever, and promise and oblige them and their heirs "to intertaine trew friendschip and amitie ilk ane to vtheris in all tyme cumming." The said John Grant of Ballindalloche binds and obliges himself and his heirs "to acknawledge, reverence, and respect the said Sir Johne Grant off Frewquhie, knycht, and his airis, in all tyme cumming, as cheiff off his bluid and kindered, and sall fallow and assist him in all his lawfull adois as his vassell and kinsman against all vtheris, his Majestie and his officeris onlie exceptit;" and Sir John binds himself to protect, maintain, and defend the said John Grant of Ballindalloch, his person, wife, children, men, tenants, and servants, against all oppressions, reiffs, or depredations to be com-

mitted against them by any of the name of Grant, and in special by the said James Grant, Robert and George Grant, and their complices, and to redress all skaith or damage the said John Grant of Ballindalloch and his foresaids shall incur through their deed. Dated at Leith, 9th August 1635: Witnesses, John Archbishop of St. Andrews, Great Chancellor of Scotland, Sir John Hay of Baro, knight, Clerk of Register, Sir Thomas Thomesone of Dudingstowne, knight, etc. Registered in the Books of Council 10th August 1635.

361. SUMMONS, directed to messengers, setting forth that although the reset, supply, and intercommuning with the traitor James Grant had been very oft prohibited and discharged by divers acts and proclamations, yet that the said traitor, since his breaking of ward out of the castle of Edinburgh, had ever been waiting his times and opportunities "how, when, and where he might prosecute his cruell and detestable insolenceis aganis our good subjectis," and now lately on the April instant, "he being hoorded and interteaned in the dwelling hous of Thomas Grant, tutor of Carroun, and getting intelligence that vmquhill Thomas Grant of Culquhoich, and Grant his brother, were to come in these feildis for some of thair adoes," he, accompanied with a number of broken "lymmaris," lay in wait for the two innocent gentlemen, and first took them prisoners, kept them a certain space in firmance, "and thereafter cruellie and barbarouslie murdreist and slew thame, and cuttit off thair heids," and was fostered and countenanced in his treasonable doings by the reset, supply, and comfort shown to him by the said tutor of Carroun, who for a long time had supplied him with all necessaries, and made all the friendship and "moyen" for him that he could, etc. Messengers, therefore, are to charge the said Thomas Grant to compear personally before the Lords of Privy Council on to answer in the premises, and to hear and see such order taken thereanent as appertains, under the pain of rebellion and putting of him to the horn. Given under the Signet, at Edinburgh, 14th April 1636.

362. EXTRACT DECREET by the Court of Justiciary held in the Tolbooth of Edinburgh, 9th June 1637, by Mr. Alexander Colveill, etc., narrating that John Graunt, *alias* M^c^Jockie, in Tullichie, elder, Patrick Graunt M^c^Jockie, his eldest son, and John Graunt M^c^Jockie, younger, also his son, were delated at the instance of Sir Thomas Hope of Craighall, knight-baronet, His Majesty's advocate for his Highness's interest, and Elspeth Stewart, reliet of the late John Stewart, for the resetting of John Dowgar and others, his accomplices, notorious rebels and fugitives, within the said John M^c^Jockie's dwelling-house in Tullichie, intercommuning with John Dowgar in various parts of the country, and other crimes, as follows:—That

the late Patrick Gilry M^cGreoger, John Dow roy M^cGreoger his brother, John Dowgar, John M^cEan Stalker, and others, their complices, having risen in open rebellion against our Sovereign Lord's authority, by committing sundry "thifts, hearships, reaffs," depredations, fire-raisings, slaughters, and other crimes, to the contempt of the King and oppression of his Highness's subjects, for which the fore-named persons, "and haill vnhappie race of the name of M^cGreoger, wer denunced rebells and put to the horne," and letters of publication published at the market crosses of several of the head boroughs of the kingdom, wherein the lieges were prohibited from resetting, supplying, or intercommuning with the said rebels, yet the said John Graunt, *alias* M^cJockie, elder, and Patrick and John Graunt, his two sons, in the months of May, June, July, August, September, October, November, and December 1636, or in one or other of the said months, kept divers trysts and meetings with the said John Dowgar and John M^cEan Stalker, M^cGreogers, rebels and fugitives abovewritten, reset them within the dwelling-house of the said John M^cPhadriek Graunt, *alias* M^cJockie, elder, barns and byres thereof, within the town of Tullichie, furnished them with meat and drink, and intercommuned with them in divers parts of the country, within the shires of Elgin and Forres, and specially the said John Graunt M^cJockie, elder, conferred and intercommuned with the said John Dowgar, in the month of May last, 1636, within an alehouse in the Rimoir, and in the barn thereof, where he and John Dowgar, with a servant of his, John M^cEan Stalker, rebels, drank and conferred together a long time; also, in July thereafter, a little before Lammas last, the said John Grant, *alias* M^cJockie, elder, had again a meeting with the said John Dowgar "within the wood of Tullichie, Maister Collein M^cKeinzie, minister, forgathring with you and the said John Dowgar in the said wood, in the said ministers comeing from the kirk of Kineardin, wher yee stayed and conferred with the said John Dowgar ther, the space of ane hour, and took sneising and tobacoe togither;" also, in harvest last, 1636, the said John M^cPhadrick Graunt had a conference within his own "sheall," and three miles from his own house in Tulloch, with John M^cEan M^cStalker M^cGreoger, John Dowgar's brother son, and a dumb fellow named Donald, all rebels and outlaws, and furnished and entertained them with butter, cheese, milk, and other necessaries, a long time; and also understanding that a commission was given by the Lords of His Majesty's Secret Council to John Stewart, for apprehending of the said John Dowgar, and presenting him to justice for divers slaughters and other crimes committed by him, and to put the same in execution, the said John Stewart, commissioner, had sought the said John Dowgar in divers parts of the north, and in the end, in the month of December last, had dogged him to the town of Tulloch, when the said John M^cPhadrick not only refused his aid to His Majesty's commissioner, "but

also yee, the said John M^cJockie, elder, Patrick and John M^cJockies, your tuo sones, being boddin with swords, targes, and gunnes, at the leist yee the said John M^cJockie, elder, and John M^cJockie, younger, being furnished with gunnes and targes, assisted and tooke plaine pairt with the said John Dowgar and his complices, rebels and fugitives, against the said John Stewart, commissioner, be shooting of your gunnes at him and his company" on the 25th December, within the town of Tulloch, when the said Commissioner, with Donald M^cInleith, one of his company, was treasonably slain, of which he and every one of them were art and part. John Graunt M^cJockie, younger, was also accused of being in company with John Dowgar, and John M^cEan Stalker, with their accomplices, at Easter 1635, upon the lands of Glenesk, pertaining to the Laird of Edzell, and there stealing from the said Laird of Edzell's tenants of the lands of Glenesk, their whole goods, he being known by having a dun coloured Spanish bonnet upon his head. And the said M^cEan Stalker and his complices, being followed by the owners of the said goods, as also by John Brabiner and other country people that assisted them for restoring the goods, the said John Graunt M^cJockie, younger, had, in defence of the stolen goods, etc., presented a charged hagbut at John Brabiner, at the "Coble of Tulloch, near to Coblaine at Strathdei, betuixt Cromar and Bramar," which he had confessed. Patrick Graunt M^cJockie was further indicted for the cruel slaughter of his guidsire's brother's son, named John Graunt, by shooting him with a hagbut through the body, instead of John M^cEan Stalker, which he had confessed in his deposition. The "dittay" or libel being found relevant, was put to an assize, who, being sworn, etc., convicted the said John M^cJockie, elder, of the reset of John Dowgar in his dwelling-house of Tulloch, and of intercommuning with him there and in other parts of the country, as also of not giving concurrence and assistance to the late John Stewart in apprehending the said John Dowgar and his complices in December last, who was slain by the said John Dowgar and his complices, but acquitted him of the said John Stewart's slaughter, and also acquitted Patrick and John his sons of that charge; the said John Graunt M^cJockie, younger, was also convicted of being art and part in the theft and depredation on the Laird of Edzell's tenants of Glenesk; and the said Patrick Graunt M^cJockie convicted of the slaughter of his guidsire's brother's son, conform to his own deposition. Final sentence was pronounced in a Court of Justiciary held in the same place on 14th July 1637 by Sir William Elphinstoun, Knight, Justice-General, and Mr. Alexander Colveill and James Robertoun, Justices-depute, when the three prisoners being brought forth of ward and presented upon pannel by the bailies of Edinburgh, the Justice, "at command of the Lords of Secreit Counsell," by the month of James Graunt, dempster of Court, adjudged the said John Graunt M^cJockie, elder, Patrick and John Grant *alias* M^cJockie, his

two sons, "to be tane to the Borrow Muir of Edinburgh and execution place therof, and ther to be hanged whill they be dead, and therefter to be hung vp in iron chaines within the said place of execution whill they rott and consume," their whole moveable goods to be escheated and inbrought to His Majesty's use, etc., which was given out for doom.

363. RECEIPT given to the Right Honourable James Grant of Freuquhye, their chief, by Patrick Grant of Balnadallach and Robert Grant, friends and nearest of kin to Robert Grant, son and heir of the late James Grant, fiar of Elcheis, and oye to the late Patrick Grant of Elcheis, who state that in order to avoid questions anent the debts of Patrick, they had given the key of his charter-chest, lying in a chamber of Elcheis, to James Grant of Freuquhye, and that the key being now restored to them, to the effect they might search the writs and other things in the chest, and intromit with and make use of the same, they exoner and discharge James Grant of Freuquhye, his heirs, executors, and assignees, of the key of the charter-chest, and of the chest itself, and of all things lying therein, and warrant him and his friends against any claims thereanent. The receipt is dated at Freuquhye, 8th August 1640, and is subscribed by Patrick Grant of Balnadallach and Robert Grant. The witnesses are Patrik Nairn in Dallachappill, John Grant of Auldiche, Allan Grant of Mullachard, and Mr. John Grant, servitor to James Grant of Freuchie.

364. CONTRACT between James Grant of Freuquhye and Annas Grant his sister, on the one part, and Kenneth Mackenzie of Garloche on the other part, for the marriage of Kenneth and Annas betwixt the date then instant and day next to come. In contemplation of which marriage Kenneth becomes bound to duly and lawfully infeft Annas in liferent, and the heirs-male to be lawfully gotten betwixt them, whom failing, the nearest lawful heirs-male of Kenneth, heritably, in the lands of Wester Logie, with the mill, mill-lands, multures, sequels, houses, and pendicles, etc., of the same, within the earldom of Ross and sheriffdom of Inverness; and in the lands of Towie, with the houses, buildings, and pertinents, etc., thereof, lying within the barony and lands of Garloche, earldom of Ross and sheriffdom of Inverness, to be held of the King, and his heirs and successors, Kings and Queens of Scotland, as superiors, in free blench, for the yearly payment of two pennies usual Scots money, if asked; the infeftment to contain warrandice, and to be either by resignation or confirmation, as shall best please Annas and James to require and accept for her security, the superior's consent being always procured at the expense and charge of James Grant. Kenneth also becomes bound to warrant and maintain the lands, buildings,

pendicles, and others above mentioned to Annas as already stated, safe and free from all and sundry wards, reliefs, etc., and all other dangers, accidents, and inconveniences bygone and to come, whereby the said lands and others might be in whole or part evicted or away taken from Annas or her foresaids, and they hindered from entering upon or intromitting with the same. Kenneth also obliges himself to warrant the lands of Wester Logie, and mill and pertinents thereof, to be worth in yearly value to Annas, eight chalders good and sufficient victual; and the lands of Towie and pertinents thereof, to have the yearly rental of two hundred merks usual Scots money besides customs and service. Further, in case Kenneth shall acquire, during the lifetime of Annas, any lands, mills, fishings, annualrents, or sums of money, he binds himself to acquire the one-half thereof to Annas in liferent, and the whole of the same to the heirs-male to be lawfully gotten between them, which failing, to the nearest heirs-male of Kenneth. In case there be no heirs-male, but only daughters procreated of the marriage between Kenneth and Annas, and that the said daughters be provided for marriages sufficient according to their estate and birth, Kenneth binds himself and his heirs to content and pay to them at their complete age of fifteen years, with advice of George Earl of Seaforth, James Grant of Frenquhye, Thomas Mackenzie of Pluscardeu, Sir Johne Mackenzie of Tarbett, knight, and their heirs, the sums of money as follows:—If there be only one daughter, five thousand merks Scots money; if there be two daughters, the eldest to get three thousand merks, and the younger two thousand merks; and if there be three or more daughters, the eldest to get three thousand merks, and the others to get proportionally among them the sum of three thousand merks; the money to be free and without any claim of debt or other burden. On the other hand, James Grant as principal, and for and with him Duncan Grant of Auchernek and Patrick Grant of Tullochgorme, as cautioners, sureties, and full debtors, bind themselves and their heirs to pay and deliver to Kenneth and his heirs the sum of five thousand merks Scots, in name of tocher, with Annas Grant, sister of James Grant; one thousand pounds as part thereof to be paid at Whitsunday 1641, with three hundred merks more as expenses, in case of failing, another thousand pounds at Martinmas following, with other three hundred merks as expenses, and the sum of two thousand merks, with four hundred merks as expenses, at Whitsunday 1642, as full and complete satisfaction and payment of the five thousand merks before mentioned. James Grant also promises to relieve and keep skaithless his cautioners above named, and Kenneth Mackenzie obliges himself to build a sufficient dwelling-house, with chambers and others, upon the lands of Wester Logie, the house to be such as will be competent to the estate and according to the custom of the country. Both parties, for better security, consent to the insertion and registra-

tion of the contract in the Books of Council and Session, Sheriff or Commissary Books of Inverness, to have the strength of their authority, and that letters and executorials of horning and poinding may pass thereupon. Dated at Kinlos, 17th October 1640, and subscribed by James Grant of Freuquhye, K. M^cKeinzie of Gerloche, and Anna Grant, and by Duncan Grant and Patrick Grant as cautioners. The witnesses are Thomas M^cKenzie of Pluscarden, William Fraser of Culboky, Colin Mackenzie of Tawie, James Gibsone of Muldaries, Robert Grant, brother-german to James Grant, Colin Mackenzie parson of Abernethie, Mr. Lachlan Grant parson of Moye in Strathern [Strath nairn], and John Donaldsone; the cautioners subscribing at Mucrothe, 20th October, in presence of Duncan Grant of Clowrie, John M^cKenzie apparent of Dachkarne, and others.

365. Extract Contract between James Earl of Murray, Lord Doun and Abernethie, for himself, and on behalf of Lady Marie Stewart, his sister, spouse to James Grant of Frewchie, on the one part, and James Grant of Frewchie and Lady Marie Stewart, his spouse, with his consent and for his interest, on the other part: Whereby for the purpose of implementing and extending a bond made by James Grant as principal, and certain of his cautioners therein mentioned, in favour of his spouse, before and in contemplation of the marriage solemnised between them, dated 4th April 1640; and of a minute of contract passed between the Earl of Murray on the one part, and James Grant for himself and his spouse on the other part, of day of and year of after the solemnisation of the marriage, James Grant binds himself, his heirs and successors, with all convenient diligence, to duly infeft and sease, by charter and sasine, Lady Marie Stewart his spouse, in liferent in the lands of Over Finlarg *alias* Mukrothe, with the tower, fortalice, manor place and others thereto belonging; Mid Finlarg and Nether Finlarg, with the mill of Mucrothe, and mill lands, multures, and sequels thereof; the lands of Auchchangen, Wester Daltulie, and Easter Daltulie, and mill, mill lands, and multures, etc., of the same, in the barony of Strathspey, regality of Spynie, and sheriffdom of Elgin and Forres; also in the lands and davoch of Duthil, the land of Over and Nether Tullochcrubeine, Easter Geallowie, Delboyak, Little Delrachnie, and Inchloyne; the half lands of Innerlaidnen and Strondow, the lands and davoch of Avielochane, the lands of the quarter of Bolladeane, the lands and davoch of Avemoir, with the mill, multures, and croft thereof; the lands of the quarter of Grannich, the three quarter land of Over and Nether Ducharnie, the lands of Kinveachie Teppell and croft thereof, and the lands of Dachlagie with the pertinents thereof, in the sheriffdom of Elgin and Forres; also the lands of Knokandoch and Glencumrie, *alias* Knokandoch, pertaining to the chaplainry of St. Andrew, founded within the cathedral kirk of Murray, with the

pendicles and fishes thereof upon the water of Spey, and with the corn, waulk mills, mill lands, multures, and sequels of the same, within the barony of Strathspey, regality of Spynie, and sheriffdom of Elgin and Forres; with the lands of Brodland pertaining to the chaplainry of St. Andrew, otherwise called Brodland, founded within the cathedral kirk of Murray, with the pendicles and fishings, etc., of the same, lying as before stated: The whole of these lands to be held by double infeftments, the one of James Grant of Frewchie and his heirs in free blench for yearly payment of one penny upon any part of the lands above referred to, at Whitsunday, in name of blench farm, if asked; the other infeftment to be held from James Grant of Frewchie and his foresaids of their immediate superiors of the lands and others above mentioned, in feu-farm, for the yearly payment to them of the duties for the lands of Over Finlarg *alias* Mukerothe, with mill thereof, Mid Finlarg and Nether Finlarg, with their pertinents, for the feu-farm, mairts, and custom oats thereof, amounting altogether to the sum of twenty-two pounds, sixteen shillings money of the realm; for the lands of Auchehangen, Wester Daltullie, Easter Daltuly and mill thereof, twenty-six pounds, thirteen shillings and fourpence; for the parts and portions of the lands of Glencairnie thirty-three pounds, ten shillings, as a proportion of the feu-duties belonging to the parts and portions aforesaid, hereby provided to Lady Marie Stewart in liferent; for the lands of Knokeandoch and Glencumrie, with the corn and waulk mills thereof, fourteen merks; and for the lands of Brodland other fourteen merks yearly, at Whitsunday and Martinmas, in equal portions, in name of feu-farm; James Grant binding himself to obtain the superior's confirmation of all infeftments and sasines, and to expede all registrations and seals necessary, upon his own charges and expenses: also affirming that he has right thereto for many years to come, James Grant leases, and in assedation lets in liferent to Lady Marie Stewart, his spouse, the teinds, parsonage and vicarage, of all the lands, etc., before specified, entry thereto to be at the decease of James Grant, if she survive him, and thereafter to be enjoyed by her all the days of her life, she paying therefor to the heirs of James Grant, or for their relief to the ministers of the churches on the lands and others before referred to, ten shillings at the term of Whitsunday in name of maill or yearly duty: All which lands, teinds, and others are secured to her free and sure from all impediments or inconveniences whatsoever; and specially James Grant binds himself to warrant to Lady Marie Stewart, his spouse, that the lands and others provided to her in liferent presently pay and shall pay and yield to her during her lifetime the annual rent of threescore chalders of victual, or six thousand merks money over and above the customs, service, and teind duties of the lands, according to a particular rental, with the yearly rents and duties of the lands and teinds subscribed by both parties at the date then instant, which lands

and others are provided by James Grant to his spouse, and accepted by her with consent of the Earl of Murray, her brother, in full satisfaction of her terce of all other lands and heritages which may fall to her or which she may claim by the decease of her husband. James Grant also becomes bound to provide his lands and estate to the heirs-male procreated between him and his spouse, whom failing, to his nearest heirs-male whatsoever heritably; also to provide for any daughters they may have between them, they being debarred from succeeding to him in his lands and others in the event of there being no heirs-male procreated between them; if there be only one daughter, twenty-two thousand pounds Scots; if two daughters, to the eldest twenty thousand merks, and to the youngest thirteen thousand merks; and if there be three or more daughters, to the eldest ten thousand pounds, and to the others twelve thousand pounds, divided equally among them; the money to be paid to them when they attain the age of fifteen, and until then they are to be educated and entertained suitably to their rank and degree: When they reach the age of fourteen and until they be either married or attain to the age of fifteen, they are to receive each of them for their own parts, annual interest for the sums just stated at the rate of merks yearly, for each hundred merks thereof; and from the time they are married or reach the age of fifteen, interest for the said sums at the rate of eight merks yearly for each hundred merks, until they are completely paid the same: all which sums of money are to be paid to the daughters as above, failing heirs-male of the marriage, in full satisfaction to them of all lands, heritages, sums of money, goods, gear, and other benefits whatsoever that may or shall pertain to them, or that they may claim by or through their father's decease, or the decease of any of their predecessors, as heirs of line to him or them, and whereof they shall be held to denude themselves in favour of and at the expense of the heirs-male referred to. For which causes James Earl of Murray has now made payment to James Grant of Freuchie of twenty-two thousand pounds money of the realm, stated in the minute of contract before mentioned, James Grant acknowledging that he has received the same; which sum of money is declared to be in full satisfaction to James Grant and his spouse of all lands, annual rents, and others specified in a renunciation and discharge made and subscribed by them in favour of James Earl of Murray, of the date of this contract, and which they both ratify and approve, dispensing with inserting it in the contract; and finally, James Grant and his spouse are taken bound to appear before an ordinary judge and ratify and approve of the contract, she giving her oath that she will never impugn the same. With clause of registration. The contract is dated at Forres, 19th May 1643, and is subscribed by James Earl of Murray, James Grant of Frewquhy, and Marie Stewart. The witnesses are

Alexander Dunbar of Westfield, Alexander Brodie of Lethen, Harry Home of Argaty, Mr. David Stewart of Newtoun, James Spence of Alver Kirktoun, and others. Registered in the Books of Council and Session 10th June 1648.

366. Decreet-Arbitral pronounced by James Grant of Freuquhie, Patrick Grant of Tullochgorme, Swein Grant of Gartinbeg, Duncan Grant of Clurie, James Grant of Auchterblair, Robert Grant of Glenbeg, as oversman and judges arbiters in terms of a submission, dated at Frenquhie, 9th March 1647, to the said Patrick Grant and Swine Grant on the part of James Grant of Auchcherneck, and to the said Duncan Grant and Robert Grant on the part of John Grant of Lurg, anent the mill of Bray-Abernethie, and debateable marches. The arbiters and oversman decern that John Grant of Lurg, and his tenants, subtenants, cottars, and others, possessors and occupiers of the davoch land of Claichaig, shall pay multures, "kneacheip and bannock," at the mill of the Breas of Abernethie, as the remaining "suckinn" astricted to the mill are in use to pay; and also that the multures claimed by James Grant of Auchchernaig for preceding years, and the hundred merks claimed by John Grant of Lurg from James Grant, be referred to the decreet-arbitral of John Grant of Minness, and Alexander Grant of Alachie; and that their decreet be appended to the present one on the first Tuesday of August following. With clause of registration. Dated at Ballachastell, 9th March 1647. The decreet of John Grant and Alexander Grant above mentioned is not given.

367. Indenture between James Grant of Freuquhye on the one part, and Robert Torrie and David Mason, masons, on the other part, whereby the latter bind themselves, their heirs and successors whatsoever, to raise and mount the side wall chimney of "the great house" to such a height "that it reik not," and to make scaffolding to the same at their own charges; also, to make the battlements of the south and north sides of the old tower water-tight, and "help" the battlement of the east side if necessary; and also, to make ready sufficient hewn work to serve the wall heads and to mount the chimney high, and "pin and harle the two bittarages" (buttresses?) at the back of the house, as well as all the chimneys and the two towers: For which James Grant binds himself, and his heirs and successors whatsoever, to pay to Robert Torrie and David Mason three hundred merks Scots, one hundred merks thereof at the subscribing of the indenture, another hundred when the scaffolding of the side wall is completed, and the third hundred at the completion of the whole work; also, to furnish timber for the scaffolding, to give help of men to put up the same, to carry the stones, lime, and sand to the foot of the wall, to provide ladders sufficient for the work, and to furnish a lockfast house for keeping the

victuals: Also, Robert Torrie and David Mason as principals, and as cautioner and full debtor, bind themselves as before to mount the side wall chimney that it "reik" not, and to make the battlements of the wall head of the old tower above referred to water-tight, "that they rain not for sewin yeiris," under the penalty of one hundred pounds Scots: It is also provided that if, after they have been "pinned" in, the stones of the wall head be broken by James Grant or his servants, the masons and their cautioner shall not be liable, but if otherwise it be for want of proper workmanship, they will be held liable. With clause of registration. Dated at Ballachastell, 5th June 1649, and subscribed by James Grant of Freuquhy, Robert Torrie, and Dauid Messone. The witnesses are Alexander Grant and others. The indenture is followed on the same paper by a discharge, wherein Robert Torrie and David Mason acknowledge receipt from James Grant of Frewquhie of three hundred merks in complete payment of all the work specified in the foregoing indenture, and that they had got full performance of all the heads, conditions, and obligements therein engaged to; they also oblige themselves to maintain their work for seven years, under the penalty already stated. Dated at Frewquhie, 16th November 1649; subscribed by Robert Torrie, and witnessed by John Grant, fiar of Ballenadallich, and other two.

368. INDENTURE between James Grant of Frewquhye and John Stanners, slater, whereby the latter binds himself, immediately on the completion of this indenture, to begin and dress and mend all the high and low stone buildings of the manor place and towers of Bellachastel, and the kiln thereof, with the stone buildings, high and low, of the Muckrach, the former maintaining him in his own house during the work at the said buildings and houses: He also takes in hand and obliges himself, being in life and health of body, God willing, to enter on the 1st of March then next to come 1650, and sufficiently to point, dress, and repair the buildings and houses above specified, at the sight of honest and good workmen of that kind, and to provide the slates requisite for the same: For this work James Grant becomes bound to pay him one half cross-dollar and one firlot of meal for each rood of the works pointed, and eight pounds, with one half boll of meal, for each rood of new work, if it should be found necessary to work a new slate work: Further, John Stanners comes under obligation to uphold the work sufficiently water-tight on his own charges during the space of seven years after the same is completed; the party contravening the heads, conditions, and particulars of the indenture, or any part of them, to pay to the other not contravening the same, the sum of fifty pounds money. With clause of registration in usual form. Dated at Bellachastell, 1st November 1649, and subscribed by James Grant of Frewquhie. The witnesses are, Robert Torrie, mason, Duncan

Grant, John Packman, and Mr. Alexander Grant. It is noted at the end that at the making of the indenture John Stanners had received from James Grant ten pounds money in part payment of the work.

369. NOTE of the Heads and Conditions agreed upon between James Grant of Frewquhie and John Innes *alias* M^c^Inves, fowler, as follows:—

(1.) The said John Innes, fowler, obliges himself to serve the said James Grant of Frewquhie for the space of five years following Whitsunday last 1652, and furnish the said James Grant's house with "water fowles off all kynd, viz. duick, and dreak, teall and ateall, and wtheris off that kynd, and with muirfowl and pertridge, and all otheris off that quantitie," for five years from Whitsunday 1652 till Whitsunday 1657. For which the said James Grant obliges himself to give the fowler a free house and a free acre of land, sowing six firlots victual, in the town of Bellachastell, for the five years, save that in the present year he is to have his house in the town of Muckrache, because he cannot be accommodated in the town of Bellachastell: also to pay the said fowler 3s. Scots for each fowl of the foresaid kind delivered to the servants for the use of the house between Martinmas and Whitsunday, and 2s. Scots for each fowl of the foresaid kind delivered between Martinmas and Whitsunday; also for each black-tailed poult and "ruan" tailed partridge 2s. Scots; and for other poults that are not black nor "ruan" tailed, what sum he pleases.

(2.) The said John Innes obliges himself to work or train as many fowling dogs as he is able to work, for the said James Grant's use, one after another; and for each dog so trained the said James Grant obliges himself to give him six firlots victual and a "rogh hyd." Both parties oblige themselves to fulfil the premises under a penalty of £40 Scots. Dated at Frewquhie, 9th August 1652.

370. INDENTURE between Dame Marie Stewart, Lady Grant, on the one part, and John Patersone and William Farquhar, burgesses of Forres, on the other part, whereby the latter bind themselves, conjunctly and severally, to provide and furnish Lady Grant with as much good and sufficient flour and aquavitae as she shall demand or require from them, from the date then instant to Martinmas 1653; the flour to be given with the best and largest firlot belonging to any maltman in Forres, and the aquavitae with a sufficient Flanders measure: Lady Grant to pay to John Paterson and William Farquhar twelve pounds Scots money for each boll of sufficient flour she shall receive, and two merks money for each pint sufficient aquavitae given to her or her servants for her use, upon her desire or precept thereanent, with the measures respectively above specified. The payment of the flour and aquavitae, according to Dame Marie Stewart's receipt for the same during the time above

written. to be delivered to John Paterson and William Farquhar in one sum at Martinmas 1653, or the half thereof at Whitsunday 1653, and the other half at Martinmas following as they desire. Both parties oblige themselves to fulfil the whole premises in all points under a penalty of forty pounds money, to be paid by the party failing to the party performing. With clause of registration. Ballachastell, 15th October 1652. Subscribed by Marie Stewart and John Paterson. The witnesses are William Lamount, Alexander Grant, and Alexander Grant.

371. Letter of Pension, by which James Grant of Freuquhy becomes bound to cause his chamberlain of Inverallan pay and deliver yearly to Alexander Cumming, his piper and violer, twenty merks Scots money out of the duties of the parish of Innerallan for the space of five years; the said sum to be peaceably uplifted by Alexander Cumming from the chamberlain, at the term of Whitsunday 1653, and so forth during the space before stated. For which sum Alexander Cumming binds himself, by the faith and truth of his body, to give bodily service and attendance to James Grant, or any other belonging to him, at his command, when and as often as the same shall be required of him, he being always in health of body. For security of all which the donor consents to registration thereof in the High Court Books of Justice or Sheriff-Court Books of Inverness, to receive the strength of either of their decreets, that letters may pass thereon. Dated at Frequhy, 5th April 1653. Witnesses, Alexander Grant, and others, servitors to James Grant.

372. Contract between Mungo Grant in Duthel on the one part, and John Grant of Gartinmoir for himself, and on behalf of Elspet Grant, his daughter, and Elspet, for herself, her own interest, and with her consent, on the other part, for the marriage of Mungo and Elspet between the date of the contract and the last day of then next to come, John Grant of Gartinmoir and his heirs becoming bound to pay and deliver to Mungo Grant and his heirs, in name of dote and tochergood with Elspet, his daughter, two thousand merks usual Scots money, betwixt the date of the contract and Whitsunday 1665, without longer delay, fraud, or guile, together with four hundred pounds Scots as liquidation of expenses in case of failure, over and above the principal sum, and also the annual rent of the principal sum yearly, termly, and monthly, so long as the sum shall remain unpaid after the term above stated. In contemplation of which marriage, Mungo Grant and his heirs become bound to furnish, eik, and add to the above two thousand merks, other two thousand merks to complete and make up the sum of four thousand merks, and that at the term and year before stated, that the same may be laid out in lands or annualrents, at the sight of both parties and their heirs, to the utility and profit of Mungo and

Elspet, his future spouse, during all the days of their life, and to the longest liver of them, and after them to the heirs to be procreated between them, whom failing, to the nearest heirs and assignees whatsoever of Mungo; the money, if lifted at any time, to be laid out anew by advice of both parties as at first. In the event of Mungo acquiring or inheriting any lands, heritages, or sums of money during the lifetime of Elspet, he binds himself to acquire the one-half thereof to Elspet during her life, and the whole of the same heritably to the heirs to be gotten between them, whom failing, to the nearest heirs and assignees whatsoever of Mungo. The usual clause of registration follows. Dated at Ballachastell, 12th May 1664, and subscribed by Mungo Grant and John Grant. The witnesses are, Lieutenant-Colonel Patrick Grant and others.

373. CONTRACT between John Byres of Coates and Lilias Grant, lawful daughter to the deceased [James] Grant of that Ilk, as follows:—John Byres, for fulfilling his part of the agreements made and concurred in before the marriage solemnised between him and Lilias Grant, and for other causes to be shortly stated, becomes bound with all possible diligence to infeft and sease his said spouse in liferent, in all and whole the annualrent of ten chalders good and sufficient bear, with a hundred and twenty pounds Scots for the rent of a dwelling-house to her to dwell in, to be uplifted in equal portions at Whitsunday and Martinmas, free of all teind duties, minister's stipends, or other burdens whatsoever, forth of all and whole the lands of Coates, comprehending the lands, acres, tenements, superiorities, and others mentioned in John Byres's infeftment of the same, with houses and pertinents thereof, in the regality and barony of Broughtoune and sheriffdom of Edinburgh, or forth of any portion of these lands, and readiest maills and duties of the same, by double charters and infeftments, the one to be held of John Byres and his heirs, and the other of the immediate superiors of the lands, in free blench farm, for the yearly payment of one penny, if asked, he also binding himself to complete, seal, subscribe, and deliver to Lilias charters and other necessary writs to that effect, containing ample warrandice in the manner afterwards laid down: also, John Byres becomes bound to warrant and defend the above infeftments in all the terms of them as there specified in liferent, from all perils, dangers, and inconveniences whatsoever, whereby Lilias might be hindered or prejudged in the peaceable possession of the same: John Byres further comes under obligation to provide to the heirs-male procreated between them as much of the lands and estates of Coates as will extend in yearly rent to ten chalders of bear; and if there should only be female heirs, to divide the ten chalders of bear among them, by the advice of one or two friends chosen by either of the parties, by whose advice the heirs-female referred to are obliged to

marry. Entry to the rents and duties of the ten chalders to be at the first term of Whitsunday or Martinmas after his decease. In the meantime, John Byres binds himself to sustain, entertain, educate, and upbring the foresaid children in a manner becoming their rank and estate, providing that if George Byres, his eldest son, shall depart this life, so that the children had between John and Lilias shall succeed to the whole estate, the obligation to provide ten chalders of bear shall be null, and in case of such event, John Byres binds himself to add to the liferent provision of Lilias, his spouse, the manor place of Coates, with the houses, buildings, pertinents, and others belonging thereto, in lieu of the one hundred and twenty pounds, together with a yearly duty of three chalders of victual further to be uplifted of the lands, and at the terms before stated, to be over and above the ten chalders of bear already provided to her in liferent, which additions are to be made over to her in liferent by double infeftment, to be held, and with warrandice, in manner as aforesaid. He also binds himself that where he shall acquire any lands, heritages, or others during the period of the marriage, he will acquire the half thereof to Lilias in liferent, and the whole of the same to the heirs procreated of them, in fee: Which liferent provision Lilias accepts in full satisfaction of all conjunct-fee, liferent terce, or third of all lands, heritages, goods, and others which shall pertain to John at his decease, without prejudice to Lilias of her third of the moveables of John's dwelling-house, and insight and plenishings thereof, which is reserved to her. Lilias, on her part, constitutes and ordains John Byres, her husband, and his heirs, her undoubted and irrevocable cessioners and assignees in and to all debts, sums of money, bonds of provision, goods, gear, and others which she shall in any way fall heir to, or which shall pertain to her, dispensing with a more particular enumeration of the same, and declaring the present assignation thereto in all respects effectual and sufficient, giving him power to receive and intromit with the debts, sums of money, and others, and to dispone and use the same at his pleasure, and do all other things therewith which she could have done before the date of this contract. With precept of sasine in favour of Lilias, and clause of registration. The contract is dated at Coupar of Fyfe, 26th May 1666, and is subscribed by Jo. Byers and Lillias Grant. The witnesses are, George Marquis of Huntly, W. Scott of Ardross, John Saintserf, doctor of medicine, Major William Arnott, Andrew Patersone of Kilmonie, and Captain Francis Stewart. The deed is also signed by Marie, Marchioness of Huntly, sister of Lilias Grant, although she is not otherwise mentioned in it.

374. Disposition by David Cuming of Kinchirdie, wadsetter of the towns and lands underwritten, with consent of Issobell Dunbar, his spouse, for their interest, and the said

David taking burden upon him for his said spouse to the following effect: That whereas the deceased James Grant of Freuquhie, by contract containing disposition, of date at Ballachchastle, 9th September 1662, for the sum of 3300 merks Scots money, disponed heritably under reversion to the said David, and his nearest heirs and assignees whatsoever, and to the said Issobell Dunbar, his spouse, in liferent, the town and lands of Kinchirdie, mill, mill lands, multures, knaveship, bannock and sequels thereof, with the ferry-boat or coble of Kinchirdie on the water of Spey, coble croft thereto pertaining, yearly profits of the said coble, with salmon fishing of the said lands on the water of Spey, on the pools and fords thereof, used and wont, with pertinents, shealings, and pasturages of the same in property and commonty, and in particular the shealing properly belonging to the said lands, called the Third of the Wein, lying locally in the Brayes of Glenkernie, near the water of Dullan, formerly a part of the shealings of the lands of Aviemor, but by the said contract disponed to him and his foresaids, and thereby appointed to belong to the lands of Kinchirdie during the not redemption thereof, and tacks after redemption, with power to till the same, and pasture his cattle in the common pasturages and places of the said shealing used and wont, and labour the said shealing place for corns, build "dykes and garthes" thereabout, and to that effect to use timber from any of the said James's woods, with liberty of pasture, fuel, "feall and divott," in any place of the next neighbouring commonty of moors and common pasturages of the lands of Glenchernie, as well without the common reputed marches thereof as within the same, the said lands lying in the barony of Strathspey, regality of Spynie, and sheriffdom of Moray, together with the teinds of the same, both parsonage and vicarage, and with liberty of wood and timber taking from any of the said James's woods of Abernethie and Glenchernie for building and upholding of building on the said lands, and labouring the ground thereof, and other necessary uses; and the said James, by his charter of the foresaid date, seased the said David and his foresaids heritably, and the said Issobell in liferent, in the said lands, under reversion, to be held of him, his heirs and assignees, in fee and heritage, for payment to him, or for his relief, to his lawful superiors, of £4, 17s. 4d. of feu-duty, with teind duties, etc. Whereas, also, the said James Grant of Freuquhie, by another contract of the same date, for the sum of 4400 merks Scots, sold to the said David Cuming, his heirs, successors, and assignees, in wadset, and under reversion, the three plough lands of Avielochen, with the plough of land of the lands of Delnahaitnich, extending in whole to a davach of land, with teinds thereof, and the grazings and shealings of the said lands called Attinlea, with liberty to labour and plough any part of the said shealings, moorlands of the same, and of the six plough lands, if ever the same had been

laboured since the memory of man, etc., in the lordship of Glencarnie, parish of Duthell, and sheriffdom of Moray, in principal, and in case of trouble or eviction, in respect of prior infeftments therein to certain persons by the said deceased James, he in special warrandice of the foregoing granted the lands of Milntoun of Freuquhie, and crofts pertaining thereto, the mills of Bellachastle or Freuquhie and Bellifour, in the barony of Freuquhie, parish of Cromdaill, and shire of Inverness, with teinds included, tolerance of taking timber for necessary uses, etc., and by charter of alienation infefted and seased the said David and his foresaids in the lands, both principal and warrandice, to be held of the said deceased James, his heirs and successors, in feu-farm, during the non-redemption thereof, for payment for the principal lands of £11, 9s. 4d. Scots, in name of feu-farm, and teind duties, under reversion, on payment of the foresaid sum of 4400 merks. And now, forasmuch as Mungo Grant in Duthell, brother-german of the said deceased James, had delivered at the making hereof to the said David Cuming, and Issobell Dunbar, his spouse, the sum of 3300 merks, mortgaged in manner foresaid upon the foresaid lands of Kinchirdie, and the other sum of 4400 merks, mortgaged upon the wadset of the lands of Avielochen and plough of Delnahaitnich, extending in whole to the sum of 7700 merks, therefore for the said sum, for his certainty thereof, and for security and redeliverance of the same to him, the said David Cuming, with consent of his said spouse, and the said Issobell for herself and her own interest, and the said David taking burden upon him for her, sell and dispone to the said Mungo Grant, and Elspet Grant, his spouse, in conjunct infeftment, and the heirs gotten or to be gotten betwixt them, whom failing, to the said Mungo's nearest heirs-male whatsoever, the foresaid towns and lands of Kinchirdie and others above rehearsed, with all privileges contained in the contract; together with the "auchten" part of the said lands of Avielochen called Laggandagown, presently possessed by Patrick Roy, tenant therein, with teinds thereof, great and small, parsonage and vicarage, with fermes, maills, etc., of the crop and year of God 1667, which is hereby declared to be the first year of their intromission, their entry to be at Whitsunday that year, and so forth during the not redemption of the same from them and their foresaids by the heirs of the said deceased James Grant, with the tacks of the said lands of Kinchirdie that were to follow the redemption thereof. Also the said David sells and dispones for and from him and his foresaids, under reversion, in manner specified in the foresaid contract, to the said Mungo, his heirs-male and assignees whatsoever, the foresaid other lands of the three ploughs of Avielochen (except the foresaid eighth part of Avielochen disponed as above), with the said plough of Delnahaitnich, extending to a davoch of land, with teinds, etc., grazings and shealings of Attinlea, and also

the lands of the Miltoun of Freuquhie, and mills of Bellachastle or Freuquhie and Dellifour disponed as warrandice. The said David Cuming binds himself and his foresaids to infeft by charter or charters of alienation, the said Mungo and Elspet, etc., in the said lands, to be held from the granter and his foresaids, of the heirs and successors of the said deceased James in feu-farm and heritage, for yearly payment of the feu-duties and teind duties contained in the said contracts of disposition. With clause of warrandice from fact and deed, etc. And further, the said David and Issobell make the said Mungo and his spouse and their foresaids their cessioners and assignees *veluti in rem suam, cum dispositione libera*, in and to their right and infeftment of the said lands, and to the said two contracts and charters, etc., following thereupon, denuding themselves thereof for now and ever. Dated at Gartenmoir, 11th June 1667. Witnesses, John Grant of Gartenmoir, Gregor and Robert Grant his sons. Signed by "D. Cuming" and witnesses.

375. Extract Submission and Decreet-Arbitral following thereon, pronounced by John Earl of Athole, Justice-General of Scotland, as only judge-arbiter chosen by Lauchlane M°Intoshe of Torcastell, for himself and on behalf of Angus M°Intoshe, bailie-depute of the regality of Spynie, Alexander M°Intoshe of Eister Urquhill, rector, and John Alexander and Malcolm M°Intoshe, his sons, and the Laird of M°Intoshe aforesaid, for himself and on behalf of the relict and children of Lauchlane M°Intoshe, son to the said Alexander M°Intoshe, and William M°Rob, *alias* M°Keanzie, on the one part; and Lieutenant-Colonel Patrick Grant, on behalf of Robert Grant of Baldevachill, and James M°Willie Voir in Knockendoche, and remaining persons of the name of Grant, and others, with reference to the satisfaction to be made and the punishment to be inflicted for the alleged slaughter and killing of Lauchlane M°Intoshe and William M°Rob, waylaying and invading of Angus M°Intoshe and his friends and relations on the King's highway, and shooting, mutilating, and dismembering Angus and several of his company, taking away their clothes, jewels, arms, and money; and anent other things alleged to have been done by Robert Grant, James Moir, and their accomplices: Also anent the "blooding" and wounding of Robert Grant on the highway, in several places of his body, by shots and otherwise; and other wrongs alleged to have been done to Robert Grant and his friends by Angus M°Intoshe and his associates. The submission is dated at Dunkeld, 15th August 1668, and is subscribed by John Earl of Athole, as accepting, and the others in presence of John Hendersone of Brabster, Maister George Grant, governor of the castle of Dumbarton; Duncan M°Pherson of Cluny, William M°Intosh of Borland, Donald M°Intosh of Colliechie, John M°Pherson of Innereshie, and

Alexander Murray, as witnesses. In terms of which submission, John Earl of Athole, as sole judge-arbiter, decerns and ordains Robert Grant, James M^cWillievoir, and the remaining persons of the name of Grant, and the Tutor of Grant on their behalf, to deliver up Donald Grant of Farletter, Robert M^cWilliam in Lettoch, Archibald Grant in Camdell, John Grant in Lettach, and Robert Grant, bastard, in Ardwell, and other eleven persons named, or any two of them, at the option of the Tutor of Grant, to the Justice-General or his deputes, betwixt the date then instant and the 1st of January following, without further delay, to underly the law for all crimes laid to their charge at the instance aforesaid; or to content and pay to the Laird of M^cIntosh, as taking burden upon him as before stated, four thousand merks Scots at the 1st of January above named, to be applied for the use and behoof of the relict, children, and nearest of kin of the persons slain, and for defraying the expenses of the criminal action raised thereanent. Also for mutilating and wounding Angus M^cIntoshe, the Earl ordains Robert Grant to subscribe and deliver a bond, obliging himself and his heirs to pay to Angus and his heirs one thousand merks Scots, by the date already stated, with expenses in the event of failure, or banish himself from Scotland for the remainder of his life, or at least for seven years. In like manner he ordains the Tutor of Grant, for himself, and taking burden as above, to redeliver or cause to be redelivered the whole arms, jewels, and other goods taken from Angus and his friends, conform to a subscribed note given in by him, and the value of the undelivered goods, upon his oath. The Earl further acquits Angus M^cIntosh and his alleged associates to be free of the crimes declared to have been done by him and them against Robert Grant and James Moir, and their friends and followers, and appoints the Tutor of Grant, for himself and others as stated, to pursue at law one of the above named persons (Donald Grant, etc.) before the sheriff of Inverness, or to pay to the Laird of M^cIntosh the sum of 4000 merks as specified. The respective parties are to give discharges the one to the other, and sufficient and valid letters of slains for all alleged crimes and wrongs preceding this decreet, excepting always those persons who are to be delivered up. With clause of registration. The decreet is dated at Dunkeld, 15th August 1668, and is subscribed by the Earl and all the parties in presence of the witnesses above named. Registered at Dunkeld, 17th August 1668.

376. Latter Will and Testament of Alexander Fraser, Tutor of Lovat, by which he recommends his soul to God and ordains his "tabernacle of clay" to be interred with all decency within the Ile of Kirkhill, and appoints Dame Sibilla M^cKenzie, his spouse, his sole executrix, leaving and bequeathing to her his whole crop of corn of whatsoever kind, insight plenishings, heifers, cows, cattle, sheep, sums of money,

bands, obligations assigned to him or that he has right to, and other moveable and immoveable goods and gear whatsoever pertaining to him and that shall pertain to him at the time of his decease. Dated at Tomach, 9th November 1669, and subscribed "Al. F. Lowatt." Witnesses, Allan Fraser and John Fraser, servants to Alexander Fraser.

377. CONTRACT between Ludovick Grant of Freuchie on the one part, and Alexander Brodie, younger of Lethin, for himself and on behalf of Janet Brodie, his daughter, and the said Janet for herself, on the other part, for the marriage of Ludovick to Janet betwixt the date of the contract and day of December 1671, in contemplation of which marriage, Ludovick, with consent of his friends and curators, binds and obliges himself and his heirs to duly and sufficiently, by charter of liferent and fee, infeft, vest, and sease Janet in her pure virginity for the period of her lifetime, and the heirs-male to be procreated between them, whom failing, the nearest male heirs of Ludovick, in all and sundry the lands of the barony of Mulben, with the tower and fortalice thereof; the mill of Mulben, with the mill lands, multures, and sequels thereof; the lands of Meikle Belnabruich, with the fishings thereof; the lands of Little Belnabruich, Delmaine, and others, their universal pendicles and pertinents, tenants, tenandries and other pertinents thereof belonging to Ludovick in the parish of and sheriffdom of Elgin and Forres: The lands of the barony of Freuchie, with the castle and fortalice thereof, mills, multures, fishings, and universal pertinents thereof, viz.:—Castletoun of Freuchie, Dellifoures, Auchnagalles, two Culquhoiches, Lettoch, two Connegaess, Aultcharne and Glenlochie, Mills of Freuchie and Delliefour, multures and sequels thereof, woods, fishings, annexis, connexis, and universal pertinents thereof, incorporated in a free barony, called the barony of Freuchie, in the sheriffdom of Inverness; the lands of the baronies of Cromdell and Glenbeg, now united and incorporated in one free barony called the barony of Cromdell, comprehending the lands of Lethindie, with the tower, fortalice, and manor place thereof, and houses, mills, mill lands and multures thereof; the lands of Over Auchroisk, Mid Auchroisk, Nether Auchroisk, Garrowlyne, lands of the Kirktoun of Cromdell, lands of Rynaballich, Dellichappell, Inverellen, Gaeich, Glenbeg, Craggan and Dreggie, with the mills and fishings thereof; the lands of the two Auchnarrowes, with their pendicles and pertinents; the lands of Dounan, Easter, Mid and Wester Portes, with their houses, parts, pendicles, mills, mill lands and multures thereof, also the liberties, profits, woods and fishings, etc., of the same contained in the original writs, securities and infeftments of the whole lands of the baronies of Freuchie and Cromdell, in the parishes of Cromdell, Inverellen and Abernethie respectively, and sheriffdom of Inverness; the lands of Knockandoche

and Glencumrie, sometime pertaining to the chaplainry of St. Andrew, and otherwise called Knockandoch, founded of old in the Cathedral Kirk of Moray, with the parts, pendicles, and fishings thereof on the water of Spey; the lands of Broadland, belonging to the same chaplainry, with the parts, pendicles, mills, mill lands, multures, woods, fishings, and other pertinents, in the barony of Strathspey, regality of Spynie and sheriffdom of Elgin and Forres; the two lands of Knockandoch and Glencumrie, comprehending the towns and lands of Nether Borloum, Over Borloum, and Mid Borloum called Kerkdow, Lagmulloch, and Drumgilbon, lands of Lyne and Glencumrie, Auldwinnie, Crachingloshen, Knockannes, Lechindarroche, Garrowlinemoir, Garrowlinebeg, Clune, Over Tomdow, Nether Tomdow, Walkmylne, the Walkmylne Croft and other crofts called Permaphoyes Croft, Martines Croft and Croft Laggan, with the pertinents before referred to: And also in all and sundry seven eighteen parts of the mains of the lands of Overfynlarg or Muceroth, one of which is possessed by John Cruickshank in Auchnahandett, and the others by Mr. William Smith, minister at Duthell, Mr. Allan Grant and others, with the mill of Muceroth and mill lands thereof, with the lands and croft; the house or castle of Muceroth and other houses and pertinents belonging thereto, lying in the parish of Inverellen, regality of Spynie, and sheriffdom of Elgin and Forres, together with the whole customs, services, and pertinents of all the lands above specified, and the great customs of the seven eighteen parts of the lands of Over Fynlarg or Muceroth: Or in lieu of the house and castle of Muceroth, at the option of Janet and her father, Alexander Brodie, she shall have the house sometime belonging to the Marquis of Huntly, and now the property of Ludovick Grant, standing within the college of Elgin: All which before mentioned lands, houses, castles, mills, mill lands and others are to be held by Janet in liferent and conjunct fee by two several infeftments, one to be held of Ludovick and his heirs-male and successors in feu for the yearly payment of twelve shillings Scots at Whitsunday in each year if asked; the other of his immediate superiors of the same in the like form of holding as Ludovick and his predecessors held them, with warrandice and other necessary clauses, for security in liferent and conjunct fee provision, Ludovick binding himself to give the same: Ludovick also binds himself that the lands of the barony before designed, the towns and lands of Knockandoch, Glencumrie and others thereto belonging, and their pendicles and pertinents already enumerated, shall be worth, according to a particular rental thereof submitted by him of the date hereof, in money and victual, reckoning the chalder of victual at one hundred merks Scots, the full sum of five thousand merks Scots, with the customs not included, free of all duties and burdens whatsoever: And the said Janet Brodie, for herself, and with consent foresaid, accepts the lands and others of the barony

of Mulben, Knockandoch and Glencumrie, the lands of two Auchmarrowes, Downan, Auchnagalles, Delliefoures, two Culquhoiches, Lettoch, lands of Milnetoun of Freuchie and mills of Delliefour and Freuchie, with the pendicles and pertinents thereof, the lands of Muccroth and mill thereof, with the castle of Muccroth or the house of Elgin in exchange for it, in full satisfaction of her liferent and right, title, and claim in and to any of the before mentioned lands and others, notwithstanding the infeftment to follow hereupon, or any other that may follow and be given to her upon the same: She binding herself never to crave or seek the other lands of the baronies of Freuchie, Glenbeg, and Cromdell, by way of liferent or conjunct-fee provision. With clauses of warrandice. Ludovick Grant also binds himself, in the event of his purchasing or acquiring any lands or teinds heritably or upon reversion, or any sums of money, to acquire the one-half of the same to Janet in liferent, and the whole heritably to the heirs-male to be procreated between them, and failing them, to be as aforesaid: also, if there be heirs-male of their marriage, Ludovick binds himself to provide that they shall succeed him in all and sundry the whole lands and others before mentioned, etc.: In the event of there being no sons of the marriage, but only daughters, he obliges himself, his heirs and successors, to content and pay to such daughters, if there be only one, the sum of twelve thousand pounds Scots money; if two, the sum of sixteen thousand pounds Scots; if three, the sum of twenty thousand pounds Scots; and if four or more, the sum of forty thousand merks; to be paid to them when they and each of them respectively reach the age of fourteen; and till then to maintain, educate, and train them up honourably and virtuously, in meat, drink, clothes, bedding and boarding at schools suitable to their birth and parentage; the sums provided to be paid to them, or if there be two or more of them, to be divided between them by the advice and at the discretion of Alexander Earl of Moray, Alexander Lord Duffus, Patrick Grant, late Tutor of Grant, and Patrick Grant of Elchies, friends on the father's side, and of Alexander Brodie of Lethin, Alexander Brodie of that Ilk, James Brodie apparent thereof, David Brodie of Petgownie, George Pringle of Torwoodlie, Ludovick Craig of Riccartoun, and Mr. James Brodie, brother to Alexander Brodie, or their representatives, etc., with provision that if the education and maintenance of one or more of the daughters should be neglected, and they betake themselves to any of their friends for the same, Ludovick shall pay for their said sums a proper yearly interest: It is also provided, that should Janet outlive Ludovick, and desire the sum of five thousand merks to be paid to her in liferent, or during her pleasure, in satisfaction of the rents, etc., of the lands and others aforesaid, rather than to keep the same in her possession of tenandry and uplift the rents and others therefrom, Ludovick and his heirs shall pay to her the said sum

after the terms of payment of the ordinary annual rents of the same; Ludovick and Janet further mutually bind themselves, that if she survive him, and have one heir-male of their marriage succeeding to him in his estate and heritage, and other children then alive, then and in case of her being married to another she shall restrict herself to the yearly payment of four thousand merks, with provision that the other thousand of the five thousand merks be yearly paid and applied for the use of, and be made forthcoming to any of the children begotten between them, Janet appointing the destination thereof, which failing, the money to return to herself: For accomplishing of which marriage and infeftments to follow upon this contract, Alexander Brodie of Lethen, as principal, and David Brodie of Petgownie, his brother-german, as cautioner, bind themselves and their heirs to pay to Ludovick and his heirs, in name of tocher-good, with Janet, twenty thousand pounds Scots, eight thousand pounds thereof at the term of Martinmas then following, in the year 1672, other eight thousand pounds at the same term the year after, with two thousand pounds for expenses in case of failure, and four thousand pounds at the term foresaid and year 1674, with one thousand pounds as modified expenses in case of failure; the twenty thousand pounds to be in full satisfaction to Janet and Ludovick and their heirs of the marriage-contract made between Alexander Brodie, younger of Lethin, and Elizabeth Craig, parents to Janet, and of all contracts, writs, legacies, testaments, and portions in her favour, or appertaining to her and her husband, for his interest, through the death of her parents, or any of them. With clause of registration. Dated at Ballachastle and Lethen, the 21st and days of December 1671, and subscribed in duplicate by "Ludouick Grantt of Freuquhye," "Janet Brodie," and "Al. Brodie," and others.

378. Extract Disposition by Dame Sibilla Mackenzie in favour of Lieutenant-Colonel Patrick Grant, Tutor of Grant, her husband, whereby for sums of money advanced for her by the latter, and debts owed by her to him, before their marriage, and because of her respect for him and divers other onerous causes moving her thereto, she assigns and dispones to him and his heirs and assignees, the gift of escheat of the late Alexander Fraser, Tutor of Lovat, her deceased husband, dated at Edinburgh, the of one thousand six hundred and years, expede in her favour; giving Patrick Grant full power to purchase declarator thereupon in his own or her name, transferring from her and her heirs all right, title, and interest therein, and all benefits which can accrue or arise thereby to or in favours of him and his foresaids, and substituting him in her place to do thereanent as freely and validly as she could have done. She likewise assigns and dispones to him her liferent right to the lands of Glenelg, with power to uptake the rents and do every-

thing relating thereto during the period of their life in the same way that she could have done before this contract; also the whole moveable goods and gear upon the town and lands of Tomach, and other pertinents, laboured crop and year 1672, with horses, mares, kine, oxen, sheep, goats, corn, oats, bear, peas, wheat, etc., and whatever she has right to there or elsewhere, except the third part of the clothes, bedding, napery in Tomach, which she bestows on Anna Fraser, her lawful daughter; disponing also to the said Patrick the ground duty payable by the possessors and tenants of the lands of Tomach for the crop 1672, and crops preceding, still owing to her, with power to intromit with and do otherwise thereanent, as with his own proper goods in all time coming. With clause of registration. Dated at Elchies, 21st June 1672, and subscribed by Sibilla Mackenzie before Patrick Grant of Hillhall, Alexander Grant of Alloquhye, William Grant of Cardells, Robert Grant, natural son to Patrick Grant, Tutor of Grant, and John Innes, as witnesses. Registered at Nairn, 26th June same year.

379. CONTRACT OF EXCAMBION between Ludovick Grant of Freuchie and John Grant of Corriemonie, narrating that as the town and lands of Carnoch and Kerrownakeill, the property of Ludovick, being a proper part of the lands of the barony or lordship of Urquhart, in the sheriffdom of Inverness, lie near adjacent to the lands of Corriemonie, the property of John, and come between the other lands of Ludovick in the barony of Urquhart, and the remaining lands of John in the barony of Corriemonie, and also that the towns and lands of Pitcherrell Croy, the property of John, and a proper part of the lordship or barony of Urquhart, and the 40 shilling lands of Auchatemrack, a proper part of the barony of Corriemonie, lie distant from the other lands of John in the barony of Corriemonie, are interjected between the lands of the barony of Urquhart and are more contiguous with the remaining lands of Ludovick of the lordship of Urquhart; and that both parties for their better advantage have agreed and condescended to an excambion of the lands of Carnoch and Kerrownakeill and their pertinents, with the lands of Pitchirrell and Auchatemrack, with their pertinents; for these and other causes and considerations, John Grant, for himself and his heirs, sells and by way of excambion dispones without any reversion or redemption whatsoever, to Ludovick Grant and to his heirs and assignees whatsoever, all and whole the lands and towns of Pitcherrell Croy, a 40 shilling land in the old evidents thereof, with the houses, woods, fishings, pastures, liberties, profits, and other pertinents of the same, in the barony of Urquhart, and of old in the barony of Corriemonie: Also all and whole the towns and lands of Auchintemrack, still a part and pendicle of the lands of the barony of Corriemonie, extending to a 40 shilling land of old, with their houses, tofts,

crofts, pendicles, woods, fishings and other pertinents, in the barony of Corriemonie; renouncing and overgiving the whole to and in favour of Ludovick as aforesaid, with right, title, and security of the same for ever, obliging himself to infeft, and also for delivery of the writs thereto belonging. It is also declared that Ludovick's entry to the lands and others commenced at the term of Whitsunday preceding the year then instant 1674, John Grant acknowledging his entry to the same to be already good and valid, and constituting him his undoubted and irrevocable cessioner and donator in and to the rents, maills, duties, customs, and profits thereof payable at the terms of payment of the crop and year then instant aforesaid, and of all years and crops thereafter; with clause of warrandice. And further, John Grant having right to the multures of the lands above specified and their pertinents, as being bound sucken to his mill of Meklie Mor for payment thereat, conform to use and wont, he, in exchange for the multures of the lands and others after referred to dispones to Ludovick heritably and irredeemably all the multures and sequels of the lands of Pitcherrellcroy and Auchintemrack, with their pertinents, that the same lands with their pertinents may be astricted by him to any mill Ludovick pleases for grinding the corn thereat. On the other hand, Ludovick sells and dispones to John Grant of Corriemonie, and to his heirs-male and assignees whatsoever bearing the arms and surname of Grant, all and whole the towns and lands of Kernoch and Kerrownakeill, called in the original writs of the same the four pound lands of Morull, with the dry multures thereof, and with the houses, tofts, crofts, parts, pendicles, and other universal pertinents thereof, in the barony of Urquhart, together with all and whatsoever right, title, property and possession of the same competent to him and his predecessors; together with the rents, maills, customs, and profits of the same of the year and crop then instant 1674, payable at the usual terms, and of all years and crops thereafter, with power to uplift the same; reserving forth from this disposition the writs of the teinds of the lands which are not included in this disposition. Ludovick likewise irrevocably nominates and constitutes John his cessioner and donator in and to the multures, duties, rents, profits and others whatsoever payable furth of and for the lands of Kernoch and Kerrownakeill and their pertinents for ever. Ludovick also binds himself for John's further security duly and effectually by charter of feu and heritage, containing clause of warrandice and other requisite clauses, with precept of sasine in the end thereof, under his seal and subscription, to sease and infeft him in all and whole the lands and others above named, to be held by John of Ludovick heritably in feu and heritage and blench holding, for the yearly payment of two pennies Scots at Whitsunday term in name of blench duty if asked, and observing according to the proportion of the lands the express conditions and provisions of service contained in Ludovick's original infeft-

ments as due to the superiors of the lands. Ludovick also becomes bound to relieve John of all bygone taxations, annuities, and impositions whatsoever imposed before the term of Whitsunday preceding the date of this contract; and also to enter him and his foresaids in the peaceable possession and enjoyment of the lands, towns, and others, with power to thirl and astrict the lands at his pleasure to his foresaid mill of Meikliemor or any other mill; and likewise to give him at his desire any copy or extract of the writs of the lands at his own expenses. With clause of registration. The contract is dated at Ballachastle, 21st July 1674, and is subscribed "Ludouick Grantt of Freuquhye." "J. Grant." The witnesses are Mr. Alexander Grant of Mylnetoun of Frenquhye and others.

380. NOTARIAL INSTRUMENT, proceeding on and narrating a discharge and renunciation *ad remanentium* of the same date, whereby Sir James Grant of Dalvey renounces in favour of Ludovick Grant of Freuchie, superior of the lands underwritten, his heirs-male and of tailzie, the town and lands of Garthinbeg, extending to three-quarters of the davoch land of Garthinbeg, then possessed by Sueton Grant, eldest son and apparent heir of the late John Grant McConduhie in Garthinbeg and his subtenants, mill of Dummoyle and mill croft thereof, with multures of the whole cottars and crofts in the dauchland of Tullochgorme, Clourie, Garthinbeg, Dummoylie, seven aughten parts of Kinveachie, the three aughten parts of Nether Duchcharn, and six eighteen parts of Dachlaggie, with the knaveship of the foresaid lands, in the lordship of Glencharnie and shire of Elgin and Forres, wadset by the deceased Sir John Grant of Freuchie to the said Sueton Grant for 3500 merks, by contract of wadset, dated 15th April 1630; also, the three plough land or six eighteen parts land of Over and Nether Docharnes, the seven eighteen parts land called Kinveachie Tapple, Croft thereof called Croft Mulnack, the four eighteen part land of Inchloyen, with Dauchlagie, in the parish of Duthel and lordship of Clachernich, as principal, with the three ploughs or six eighteen part land of the Dauch of Mukroch, in the Braes of Abernethie, and the half davoch of Bodlfourt, in the lordship of Abernethie, in warrandice, wadset by the deceased James Grant of Freuchie to the said Sueton Grant for 7250 merks, by contract dated 24th May 1656, and in which the said Sueton Grant infeft the said Sir James, then his second son, for security of 2000 merks, payable at the said Sueton's death; to both which contracts of wadset Sir James has right by a disposition granted by his father to him, dated 9th June 1685, and conform to which he was duly infeft on the 10th July following: Also, the town and lands of Lynechurne, with privilege of wood in the common unhewed woods of Abernethie, in the parish of Duthell, wadset by the said Ludovick to Sir James for 2000 merks, by contract

dated 15th October 1679. Sir James Grant further acknowledges receipt of the sum of 12,750 merks, and that the said lands are fully redeemed, and the contracts of wadset of no further force, and his procurator surrenders the foresaid lands in the hands of the said Ludovick Grant, to be consolidated with the superiority *ad perpetuam remanentiam*, his entry to be at Whitsunday next, which resignation the said Ludovick accepted, etc. Done in the said Ludovick Grant's lodging, above Hugh Blaire, vintner's house, upon the south side of the High Street of Edinburgh, within the entry to the Parliament House, 24th March 1691.

381. CHARTER by King William and Queen Mary, whereby they give, grant, and dispone to their well-beloved councillor, Ludovick Grant of Freuquhie, and the heirs-male of his body; whom failing, to the eldest heir-female of his body, and those descending of her body without division; whom failing, to the next heir-female of his body and her descendants without division; whom failing, to the heirs-male whomsoever of the said Ludovick Grant; whom all failing, to his heirs and assignees whomsoever, the eldest heir-female and descendants of her body excluding all heirs-portioners, and succeeding without division when an heir-female shall happen to succeed, the following towns, lands, and baronies, to wit, the lands and barony of Mulben, comprehending the lands of Mulben, with tower and fortalice thereof, lands of Mekle Balnabreich, with fishing and mills thereof, Cardenie, Auldcask, and Forgie, in the shire of Elgin and Forres, united and incorporated into a free barony to be called the BARONY OF MULBEN, by charter of date the last day of July 1616, granted by King James the Sixth, their Majesties great-grandfather, to the deceased Sir John Grant of Freuquhie, grandfather of the said Ludovick Grant, now of Freuquhie: And in like manner, the lands and barony of Freuquhie, with castle and fortalice thereof, containing the lands of Castletoun of Freuquhie, Dellifour, Auchingall, the two Culquhoichs, the two Conegesses, Auldchairn, Glenlochie, united into the BARONY OF FREUQUHIE, in the shire of Inverness: Also the lands and barony of Cromdaill, comprehending the lands of Lethintie, with tower and fortalice, Over Auchorsk, Mid Auchorsk, Nether Auchorsk, the Kirktoun of Cromdaill, erected into a burgh of barony, with all the liberties and privileges contained in the infeftments thereof, Dellachapell and Rougnaballoch, lying in the barony of Cromdaill and shire of Inverness: Also the lands of Innerairin Glenbeg, Geyght, Craggan, Dreggie, two Auchquharous, Downan, and Porte, in the shire foresaid, all united into one free barony called the BARONY OF CROMDAILL: The lands and barony of Vrquhart, viz., Bordland, with fortalice thereof, 6 merk-land of Kill St. Ninian, with the mill, 6 merkland of Kerrogar, 6 merkland of Drumboy, 3 merkland of Wester Bounlaod, 3 merkland of Mid Bounlaod, 3 merkland of

Easter Bounlaod, 6 merkland of Balmakean, 6 merkland of Garthali, 6 merkland of Pelmale and Delshange, Little Clunie, 9 merkland of the Three Inchmabriens, 3 merkland of Meikle Diviagh, with the office of forester of the forest of Clunie, with shealings thereof in the lordship of Vrquhart and shire of Inverness, erected of old into one free barony called the BARONY OF VRQUHART; reserving to their Majesties and their successors the property of the forest of Clunie, with shealings thereof: And also the forty shilling land of new extent of Bounlaod, in the barony of Urquhart and shire of Inverness, and advocation, donation, and right of patronage of the benefice of the chancellary of Moray, comprehending the churches of Innerawin, Kirkmichell, Knockandoch, Vrquhart, and Glenmoriestoun, and parish churches of Cromdaill, Advie, Abernethie, Kincardin, and Dutchell, rectories and vicarages of the same, in the diocese of Moray, and shires of Inverness and Elgin and Forres, united to the foresaid lands of Easter Bounlaod, in the barony of Vrquhart and shire of Inverness; and in like manner the lands and barony of Corriemonie, comprehending the £4 land of Corriemonie, and £4 lands of Morall, and £8 lands of Fourmeikleyes, 40s. lands of Lochletter, 40s. land of Auchatemrach, 40s. lands of Diviagh, 40s. lands of Little Cloyne and the half lands of Cloyne Meikle, and 40s. lands of Pitchirrelleroy, extending in all to a £27 land, in the lordship of Vrquhart and shire of Inverness; also the lands of Glenchernick and Ballendalloch, in the shire of Elgin and Forres; and in like manner the lands of Knockandoch and Glengunrie, pertaining to the chaplainry of St. Andrews, *alias* Knockandoch, founded within the cathedral church of Moray, with fishings on the water of Spey, in the barony of Strathspey, regality of Spiney and shire of Elgin and Forres; and further, the lands of Broadland united to the said chaplainry of St. Andrews, otherwise called Brodland, founded in the foresaid cathedral church; also that great tenement or lodging in the burgh of Elgin, which belonged to Thomas M^{c}Kenzie of Pluscarden, and roods of lands or Ryperlands adjoining thereto, in the territory of the said burgh of Elgin. All which lands, baronies and others (except the foresaid great tenement in Elgin and the roods adjacent thereto) formerly belonged heritably to the said Ludovick Grant, were held by him immediately of their Majesties, and were resigned by him in the hands of the Lords of Exchequer, having power to receive such resignations, at Edinburgh, with all right he, his heirs or assignees, had thereto for this new infeftment to be granted to him and the heirs-male of his body, etc., reserving to Janet Brodie, spouse of the said Ludovick, the infeftments of liferent to such parts of the lands and baronies as she was provided to by her contract of marriage; with this provision, that all the heirs of entail above mentioned, as well male as female, and descending from their bodies, who shall happen to succeed, shall be bound to assume, use, and bear the surname arms and

designation of Grant of that Ilk, and bear the said arms without any alteration, addition, or diminution whatsoever, except what shall be congruous and requisite to their rank and grade for the time; and if any heir of entail shall contravene this provision, he or she shall *ipso facto* lose his or her right of succession to the lands and baronies above written, which in that case shall accrue to the next heir of entail: Provided also that to no person of tailzie shall it be lawful (except to the said Ludovick Grant, who is noways to be bound hereby, nor by the rights to follow hereon, nor any irritant clause herein contained) to alter, innovate, or change the foresaid order of succession, or do any fact or deed whereby the same may be altered, nor to sell, grant mortgages, or wadset the said lands and baronies, or any part of them, or give infeftments of annual rents out of them, grant leases for longer space than nineteen years, and that without diminution of rental, contract debts, etc., declaring that all such deeds shall be invalid, and the person of entail so doing should lose his right of succession. Except that any persons of entail may make liferent infeftments (but never of annual rents or annuities) to their ladies and husbands, in satisfaction of all terces and courtesies (from which the ladies and husbands of the heirs are hereby totally excluded), such provisions not to exceed a fourth part, in so far as it is free for the time from former liferents, etc., and shall first be granted from the lands and barony of Mulben, lands of Coupershill, Ardindilie, Culsaitlie, and mill of Keith, and all the foresaid lands lying in the barony of Knockandoch, and after them the lands and barony of Vrquhart, so far as the said lands are free and sufficient for the same, and not previously sold for payment of debts contracted, or to be contracted, by the said Ludovick Grant for the sum of £40,000 Scots, which the heirs of entail have power to contract in manner after-mentioned; also excepting liberty to any heir of entail, for his just and necessary causes, to burden the said lands with the sum of £40,000 Scots, etc. Reserving power to any heir of entail to sell so much of the lands and baronies as will pay the debts contracted, or to be contracted, by the said Ludovick, etc., with irritancy for non-payment of feu-duties for two terms or not purging of apprisings, adjudications, or other diligences, against the said lands and baronies, in accordance with the procuratory of resignation contained in the bond of tailzie, made by the said Ludovick Grant, with instruments thereon, dated at Edinburgh, 17th November 1693. And the said great tenement in the burgh of Elgin, and roods of land adjacent, in the territory thereof, formerly belonged to Major George Bateman, held of their Majesties, and were resigned by him and his spouse in favour of the said Ludovick Grant, his heirs-male and assignees, conform to a disposition, dated 8th June 1677, and authentic instruments taken thereon, dated 20th February 1680. Further, their Majesties, for the good and faithful services

done by the said Ludovick and his progenitors to their Majesties and their progenitors, and for divers other good causes moving them, *de novo* give, grant, and confirm for ever to the said Ludovick Grant of Freuquhie, etc., all and sundry the foresaid lands and baronies. And further, considering how convenient and commodious it would be to the said Ludovick Grant, his vassals and tenants, and whole inhabitants of the said lands and baronies, to have the same erected into a free regality, and to have a free burgh of regality, with fairs and weekly markets, in respect that the lands above written lie at a great distance from the chief burghs of their respective sheriffdoms, and that all lie near the Castletoun of Freuquhie: Therefore their Majesties dissolve the foresaid lands and baronies from all sheriffdoms, stewartries, regalities, earldoms, lordships, baronies, and other jurisdictions whatsoever, to which they or any part of them pertained or was annexed, or of which they were formerly parts and pertinents, and unite, erect, create, and incorporate all and sundry the foresaid town, lands, and baronies above enumerated into one whole and free regality, with free chapel and chancellary, and power of justiciary, now and in all time coming to be called the REGALITY OF GRANT, with jurisdiction to the said regality of free regality, free chapel, and chancery and justiciary, and all other privileges, immunities, profits, and duties pertaining thereto; and they give the said new erected regality to the said Ludovick Grant and his foresaids, and make and create him and them in all times coming Lords of the said Regality, with power to appoint a bailie or bailies of regality, and by themselves, their bailies or deputes (for whom they shall be answerable), to set, affirm, hold and continue courts within the said regality for administration of justice, in causes civil and criminal; to choose and swear clerks, serjeants, adjudicators, and other officers of court, etc.; call before them, try, and condemn delinquents and felons, repledge them from other jurisdictions, to sit as judges in all actions civil and criminal, except lese-majeste and treason, etc. Further, their Majesties grant to the said Ludovick Grant and his foresaids the right and benefit of all escheats falling within the bounds of the regality by reason of rebellion, putting to the horn, etc., and for any cause except the two foresaid; and ordain the town formerly called Castletoun of Freuquhie, now and in all time to come to be called the TOWN AND BURGH OF GRANT, and to be the principal burgh of regality, a market cross to be erected therein, and proclamations to be made thereat, and erect the said town into a free burgh of regality, to be called the BURGH OF REGALITY OF GRANT, with free power to the burgesses to buy and sell, etc., make free burgesses thereof, erect a market cross, etc., with power to the said Ludovick Grant and his foresaids, and the inhabitants and burgesses, to hold a weekly market every Wednesday, and three fairs in the year, the first to be held on the last Thursday of April, the second on the penult of August, and the third on yearly, each fair

continuing for the space of three days, within the regality and territory thereof; with power to him and his foresaids to appoint officers, uplift tolls and customs, and apply them to their own use; to elect bailies, clerks, officers, and members of court necessary for government of the said burgh; with power to him and the inhabitants of the burgh to erect a tolbooth and jail, etc.; and their Majesties appoint the said Ludovick Grant, his heirs-male and of tailzie and provision, Hereditary Bailies to them and their successors within the bounds of the lands underwritten, pertaining in property to the said Ludovick, viz., the lands and barony of Pitcroy, *alias* Cardells, namely, Delnacroft, Smiddiecroft, Pittencroy, Cardelmoir, and Cardelbeg, with mill, salmon fishings on the Spey, etc., lying between the lands of Knockandoch on the east, the water of Spey on the south, the lands of the Bishop of Moray on the west, and the Brae of Moray on the north, within the sheriffdom of Elgin and Forres, and held by the said Ludovick of the Preceptory of Mazindui (Maisondieu), near the burgh of Elgin; the lands of Muldaries, in the earldom of Rothes and shire of Elgin and Forres; lands of Little Balnabreich, in the barony of Rothes and shire foresaid, pertaining in property to the said Ludovick Grant, and held by him of the heirs of the late John Duke of Rothes; lands of Bridgetoun of Spey, Coltcroft, Ferryboat and Coble of Spey, with the salmon-fishing on the water of Spey, called the Stream Salmon-fishing, in the earldom and barony of Rothes and shire of Banff, held by the said Ludovick Grant of the heirs of the late Duke of Rothes, and of Rector of Rothes, with power to Ludovick and his foresaids to hold courts, etc. And their Majesties further unite and incorporate the foresaid lands *de novo* with the foresaid regality into one whole and free regality, lordship, and barony, with free chapel and chancery, to be called in all time coming the Regality, Lordship, and Barony of Grant, and ordain the castle and manor place of Freuquhie now and in all time coming to be called Castle Grant, and to be the principal messuage of the barony, a single sasine to be taken thereat, to be valid and sufficient for the whole regality, lordship, and barony, etc.: To be held by the said Ludovick Grant and his foresaids, of their Majesties and their successors, in free lordship and regality, free chapel and chancery, etc., in feu and heritage for ever. Reddendo yearly as follows: For the lands and barony of Mulben, the rights and services due and wont, under provision and taxation after mentioned; for the ancient barony of Freuquhie, with castle and fortalice thereof, wards, reliefs, and marriages taxed as after mentioned; for the lands and barony of Cromdaill, the rights and services due and wont, taxed as after, and for the burgh of barony thereof, 10s. 4d. Scots, in name of blench farm; for the lands and barony of Vrquhart, extending to a £46 land of new extent, the sum of £46 Scots, with various other burdens enumerated at length, and the same as in the old infeftments; for the 40s. land of new extent of Bounlaod, 40s. Scots, etc., which is to be deducted from the feu-farm duties

of the barony of Vrquhart, in the infeftments of which Bunlaod is contained, etc.; for the advocation and right of patronage above specified, the sum of 1d. Scots at Whitsunday, in name of blench ferme, if asked only; for the lands and barony of Corriemonie, £26, 6s. 8d. Scots, with duplicand, etc.; for the lands of Glenchernich and Ballendalloch, £71 Scots, etc.; for Knockandoch and Glengunrie, 11 merks 6s. 8d. to the chaplain of St. Andrews, and 33s. 4d. in augmentation of their Majesties rental, etc.; for the lands of Bordland, 11 merks 6s. 8d. to the said chaplain, etc., and for the tenement in Elgin, etc., the services of burgh due and wont. Further, their Majesties, for the constant fidelity and loyalty which the said Ludovick Grant and his predecessors had manifested towards their Majesties and their service, and their progenitors in times of peace and war, and as a token of their Majesties' good will towards the said Ludovick Grant, their well-deserving subject, and as an incitement to his successors to persevere in their fidelity towards their Majesties, their Crown and successors, their Majesties grant and ordain that, should the said lands and baronies of Mulben, Freuquhie, and Cromdaill happen to fall in their or their successors' hands by reason of ward and nonentry, or either of them, by minority or in default of the heirs and successors of the said Ludovick Grant at any time coming, nevertheless his said heirs and successors shall peaceably enjoy and possess the foresaid lands and baronies, and maills and profits thereof during the whole space of ward and nonentry, for payment yearly of the sum of £400 Scots, at Whitsunday and Martinmas, viz., £66, 13s. 4d. for the barony of Mulben, £266, 13s. 4d. for the barony of Freuquhie, and £66, 13s. 4d. for the barony of Cromdaill; with a like sum of £400 for relief in the same proportion; and for marriage of the heirs in the said three baronies, and in the barony of Vrquhart, lands of Bunlaod, and barony of Corriemonie, as oft as marriage shall occur, the sum of £1000 Scots, divided thus—£133, 6s. 4d. for Mulben, £333, 6s. 8d. for Freuchie, £133, 6s. 8d. for Cromdaill, £333, 6s. 8d. for Vrquhart and the 40s. land of Bounlaod, and £66, 13s. 4d. for Corriemonie; for payment of which annual duty of £400 as the taxed worth of the said lands and baronies during the ward and nonentry, and the £400 for relief, and the £1000 for marriage, their Majesties dispone to the said Ludovick and his heirs aforesaid, the said ward and nonentry, and marriage when they should occur; and that his heirs and successors shall be retoured to and infeft in the said lands and baronies, although they are minors, etc. Rendering also for the said regality, free chapel and chancery, and heritable office and jurisdiction of regality and bailiery, the due and lawful administration of justice in the said office, and one penny of silver at the feast of Whitsunday yearly, in name of blench-ferm, if asked only; and the same for the burgh of regality, fairs, and markets. Further, their Majesties ratify the charter of feu-farm, dated at the Canongate, 1st February 1628, made by the late John Earl of Rothes, Lord of Lesly,

with consent of Mr. David Aytoun, servitor of Mr. Andrew Aytoun, advocate, for his right, to the late Sir John Grant of Freuchie, his heirs-male and assignees whomsoever, heritably, of the lands of Muldaries, with glens thereof, lands of Wester Muldaries and Bogbend, and Little Balnabreich, united into the tenandry of Muldaries, etc., with precept and instrument of sasine following thereon; and a precept of *clare constat*, dated at Halyrudehouse and Rothes, 6th March and 3d April 1677, with charters and infeftments following, which precept was granted by the late John Earl of Rothes, Lord of Lesly and Balnabreich, afterwards Duke of Rothes, and great chancellor of Scotland, undoubted patron of the parish church of Rothes, with consent of Mr. John Leslie, rector of the said church, for his interest, to infeft the said Ludovick Grant of Freuquhie, as heir of the late James Grant of Freuquhie, his father, in the foresaid town and lands of Bridgetoun of Spey, ferry coble thereof, and Stream salmon-fishings, in the earldom and barony of Rothes and shire of Banff, held of the Duke of Rothes and his successors in feu-farm, with instrument of sasine following thereupon, in all their points, clauses, and conditions. Finally, their Majesties promise on the word of Princes, to cause this charter, precept of sasine to follow, and instrument of sasine to be ratified in the present or next Parliament, and ordain this declaration to be a sufficient warrant to that effect. With precept of sasine directed to the sheriffs and their deputies of Elgin and Forres and Inverness, and to the bailie of the regality of Spiney. Witnesses, George Viscount of Tarbat, Clerk of Register and Rolls, Adam Cockburn of Ormestoun, Justice-Clerk, and Charles Kerr, Director of Chancery. Dated at the Court at Kensingtonne, 28th February 1694.

382. Copy EXTRACT ACT OF PARLIAMENT in favour of the Laird of Grant, in the Parliament held at Edinburgh, 10th July 1695, anent the petition presented to His Majesty's High Commissioner and the Estates of Parliament by Sir Ludovick Grant of that Ilk, showing that from the beginning of the Revolution he had on all occasions served His Majesty as becomes a loyal subject, and had frequently joined with, and given assistance to His Majesty's forces, against the rebels in the Highlands, whereupon they conceived great malice and prejudice against him, frequently encamped on his lands, plundered and pillaged his whole estate, whereby his tenants were so impoverished that he got little or no rent for several years out of his lands of Strathspey, and was obliged to discharge his tenants in Urquhart the entire rent of that barony, which is £6000 Scots for the years 1689-1693, their stock being so entirely carried away; and he having formerly given in a petition, craving a commission, to the sheriffs and commissioners of supply of the shires of Inverness, Moray, and Banff, to take cognisance of his damages, and report; such a commission was

granted, who took oaths of his tenants and others, and made a report bearing that his loss within Strathspey amounted to £76,152, and in Urquhart to £44,333; besides the loss of the rent of that barony for five years, which at £6000 yearly amounted to £30,000, in whole to £150,486, 3s. 10d.; and since all his losses were occasioned by his zeal and forwardness in the King's service and public account, there being considerable advantages to Scots and English forces "which cannot be recovered out of the pole money, in respect it was not possible to condescend on particular persons who got the same when the army lay dispersed so long and often in the petitioner's country, and the advances to the English forces are not payable out of that fund," the petitioner craved that the Commissioner and Estates would consider the report with the intentions thereof, to modify and declare his losses, and either appoint him a fund for his payment, or at least grant him a recommendation to His Majesty for the same: Which petition being before the Commissioner and Estates on the 5th of July 1695, they remitted the same to the Committee for Private Affairs, who reported, that having considered a report of the Laird of Grant's, his vassals' and tenants' damages, under the hands of Alexander Duff of Braco and Walter Grant of Arndillie, commissioners of supply, who had taken the oaths and depositions of the said vassals, tenants, and others belonging to the Laird of Grant within the parishes of Abernethy, Duthill, Cromdale, Inverallan, and Knockandow, in Strathspey, anent the quantity and worth of the whole goods, corn, cattle, money, and plenishing robbed from them in 1689 and 1690 by the incursions of the Highlanders and other rebels, and of what losses they had sustained by their Majesties' regular forces encamping and lying amongst them, dated at Ballintomb, in Strathspey, 27th and 28th January 1691: Also another report under the hands of Hugh Fraser of Belladrum and James Fraser of Releick, commissioners of supply, dated at Urquhart, 3d and 4th February 1691, who had taken the like depositions for the barony of Urquhart; the committee find the whole losses and damages sustained by the Laird of Grant, his vassals and tenants, in the five parishes of Strathspey, to extend to £76,152, 18s. 8d., whereof there is of damages done by His Majesty's regular forces the sum of £7190, 2s. 8d.; and that the losses of the tenants and possessors of the barony of Urquhart extend to £44,333, 5s. 2d., whereof there is £2000 for damaging the house of Urquhart and low buildings by several soldiers of His Majesty's regular forces when they lay in garrison there; besides which, the Laird of Grant declared that he lost the rents of the barony from 1689 to 1693, which, at £6000 yearly for the five years, amounted to £30,000, his loss of which and amount whereof could be instructed by several members of Parliament who knew the same. The committee therefore find the whole amount of loss to be £120,486, 3s. 10d.

(Scots), besides the £30,000 for the five years' rent of the barony of Urquhart, and give as their opinion, "That the Laird of Grant be recommended to His Majesty's royal and gracious consideration for repairing the said damages and losses." Which report of the committee being considered by His Majesty's High Commissioner and the Estates of Parliament, they approve the same, and recommend him to His Majesty in like terms.

383. Notarial Instrument narrating that on 12th June 1696, Alexander Fraser of Kinmaries, with consent of Mr. David Polson of Kinmylies, in letters of alienation, dated 10th June 1695, for all right he had to the lands undermentioned, resigned in the hands of the Lords of His Majesty's Treasury and Exchequer in favour of Ludovick Grant of that Ilk, his heirs-male and assignees whatsoever, heritably and irredeemably, the towns and lands of Easter Abriachen and Wester Abriachen, grazings and shealings thereof, commonly called Corriefoness and Corriehewlachie, with teind-sheaves and other teinds, in the united parish of Bonach and Inverness, bishopric of Moray, regality of Spynie, and shire of Inverness, with all right that the said Alexander Fraser, Katharine Fraser his spouse, his deceased father and brother, and Agnes and Christian Fraser, grandchildren to the deceased Colonel Hugh Fraser, sometime of Kinmaries; and the said Alexander Fraser agreed that the said lands should be disunited from the barony of Kinmylies, the said Ludovick and his foresaid relieving the said Alexander Fraser and his foresaids of 20 merks yearly of feu-duty, and 130 merks of local stipend to the minister of Bonach and Inverness, with a duplication of the feu-duty; excepting from the said disposition the lands of Easter and Wester Kinmylies, Muirtoun, Brigend, Bellaferrie, Sellaneich, belonging and disponed to the said Mr. David Polson. Also, on the same day, the procurator of John Grant of Ballindalloch, heritable proprietor of the lands underwritten, in terms of letters of alienation, dated 17th December 1695, by the said John Grant to Ludovick Grant of that Ilk, his heirs and assignees, resigned the lands of Advie, Rirorie, and Auchavockie, comprehending the lands of Garvald, Ardbeg, and others, with fishings in the water of Spey belonging thereto, in the regality of Spynie and sheriffdom of Elgin and Forres. Also on the same date, the procurator of John Donaldson, sheriff-clerk depute of the shire of Banff, heritable proprietor of the lands underwritten, in virtue of letters of alienation made by him to the said Ludovick Grant and his heirs, dated 23d December 1695, duly resigned the lands of Logie, Ardrie, and Lyne, with the mill of Logie, and salmon-fishing on the water of Findhorn, in the parish of Ardclach, regality of Spynie, and shire of Nairn, together with certain reversions upon the lands: Also the procurator of John Farquharsone of Binns, heritable proprietor of the lands underwritten, by

virtue of a disposition, dated 7th December 1694, made by him to Ludovick Grant of that Ilk, his heirs-male and assignees, resigned the town and lands of Easter and Wester Kellos, with the lands of Correcopinach, called the Free, in the regality of Spynie and shire of Elgin and Forres, and also the procuratory contained in the disposition granted by John Strachan, sometime of Kellos, in the said lands of Easter and Wester Kellos, and others. All which resignations in favour of Ludovick Grant were accepted, and redelivery of staff and baton were duly made to his procurator for his behoof, and new infeftment in the said lands. Done in the New Exchequer House of Edinburgh, 12th June 1696.

384. Disposition by John Grant of Glenmoristoun, whereby, for certain sums of money, he sells and dispones to Ludovick Grant of that Ilk, his heirs-male and assignees whatsoever, the ploughland of Culenakirk, the half ploughland of Clunemore, and binds himself to enter as heir to his predecessor in the said lands, he not being yet entered therein, which lands were held of the Crown. The granter further assigns to the said Ludovick various writs affecting the said lands, amongst others, a decreet and process of apprising, led at the instance of the late Alexander Lord Brodie against the granter and his predecessors and his lands of Glenmoristoun, of which the lands disponed are a part, which apprising the foresaid Alexander Lord Brodie transmitted to Sir Hugh Campbell of Calder for the granter's behoof, a back-bond being granted by Sir Hugh to him thereon, by virtue of which he had right to the said apprising, etc. Witnesses, James Grant of Gelloway, John Grant of Easter Elchies, David Polson of Kinmylies, etc. Dated at Castle Grant, 27th June 1696.

385. Instrument of Sasine, proceeding on the preceding disposition, in favour of the said Ludovick Grant of that Ilk, his heirs-male and assignees, in the above ploughland of Culnakirk and half ploughland of Clunemore, in the parish of Urquhart and shire of Inverness. Dated 30th July 1696.

386. Post-nuptial Contract of Marriage, made between Alexander Grant, younger of that Ilk, with consent of his father, Ludovick Grant, elder of that Ilk, and the said Ludovick Grant for himself, for his right and interest, with consent of his son, and taking burden on him for his son, on the one part; and Mistress Elizabeth Stewart, daughter of the deceased James Lord Downe, now spouse to the said Alexander Grant, younger of that Ilk, with consent of her mother, Lady Katharin Tallmadge, Lady Down, and Lionel Earl of Dysart, her uncle, and the said Lady Katharin Tallmadge and Lionel Earl of Dysart for themselves, with her consent, on the other part, in manner following, viz.: Whereas by articles of agreement anent the marriage then intended and now solemnised between the said Alexander Grant, younger

of that Ilk, and Mistress Elizabeth Stewart, passed between the said Alexander Grant, with consent foresaid, and Mistress Elizabeth Stewart, with consent foresaid, it was agreed that the said Ludovick Grant was to dispone to the said Alexander his son, and to the heirs-male of his body, whom failing, to return to the said Ludovick Grant, his heirs-male and of taillie, the fee of his estates of Grant, consisting of five parishes lying contiguous, and the barony of Urquhart, worth in yearly rent £20,000 Scots, reserving to the said Ludovick his liferent of the said lands, except the barony of Urquhart, and as much of the said five parishes as would make up a yearly rent of 15,000 merks, to the possession of which the said Alexander was presently to enter, and reserving power to the said Ludovick to contract the sum of £50,000 Scots for the provision of his younger children, and burden the fee of the said lands therewith; and reserving also to him power to infeft any lady he should happen to marry in as much of the lands of which he reserved his liferent as would extend to 6000 merks Scots of yearly rent; and also to infeft the Lady Elizabeth Stewart in the barony of Urquhart in liferent, and as much of his other estate as would make her 10,000 merks Scots of jointure; with provision for the heirs of the marriage; the jointure to Lady Elizabeth Stewart to be in place of all terce, etc., except the plenishing of the house of Urquhart and heirship moveables of the said Alexander which he disponed to her. And on the other part, the said Mistress Elizabeth Stewart, with consent foresaid, was to assign, in name of tocher, to the said Ludovick Grant, £5000 sterling, left in legacy to her by the deceased Duchess of Lauderdale, her grandmother, and payable by the said Lionel Earl of Dysart, which, with the annual interest thereof, mentioned in the Duchess's testament, the said Earl obliged him to pay to the said Ludovick Grant; and that these articles should stand though the marriage were dissolved within year and day by decease of either party without a living child, and execution for implement of the clauses in favour of the said Mistress Elizabeth was to pass at the instance of the said Lady Katharin and Lionel Earl of Dysart, in terms of the said articles of agreement, of date 1st October and 2d December 1698. Whereon a tripartite contract was drawn up with the said Ludovick Grant, elder, his son, and Lionel Earl of Dysart, whereby the latter engaged, six months after date of marriage, to pay the £5000 in the common dining-hall of Grayes Inne, in the county of Middlesex, dated 2d December 1698, with a bond by the Earl, of same date, to observe all contained in the tripartite contract: In contemplation of which marriage, now solemnised on the 3d of December 1698, the said Ludovick Grant, for fulfilling his part of the said minute, obliges himself to infeft the said Alexander Grant, his eldest son, and the said Mrs. Elizabeth Stewart, now his spouse, in liferent, and the heirs-male of their bodies, whom failing, to return to the said Ludovick's heirs-male mentioned in the bond of taillie, in fee in the lands

and barony of Urquhart, Easter and Wester Abriachen, with many other lands, under burden of children's provisions, etc., and to infeft the said Alexander Grant and his foresaids in the lands of Mulben, lands and barony of Freuquhie, etc., but all under the burden of the children's provisions and clauses irritant of the bond of taillie. With procuratory of resignation in favour of the same series of heirs as in the Great Seal charters above, and under the same irritancies and restrictions, and reserving to the said Ludovick Grant his liferent of the whole lands, except the lands of Urquhart, Easter and Wester Abriachen, Mulben, and others, and power to contract the sum of £50,000 Scots for provision for his younger children, and to burden the fee of the lands therewith; and to infeft any lady he might marry thereafter in as much of the lands of which he reserves the liferent, as would amount to 6000 merks Scots of yearly rent: and the said Ludovick warrants the lands disponed in fee to his son to be worth £24,000 of yearly rent; with provision for the daughters of the marriage, and other provisions, as in the minute of agreement. And the said Mistress Elizabeth assigns to the said Ludovick Grant, with consent of Alexander Grant, now her spouse, and of her mother and uncle, the said sum of £5000 in corroboration of the tripartite contract, and Lionel Earl of Dysart binds himself, his heirs and executors, to pay the said sum betwixt the date and 3d November 1700, at Gray's Inn, under penalty of £1000 sterling, with annual interest from 3d December 1698. This contract to stand although the marriage should be dissolved within year and day by the death of either party. Subscribed at Edinburgh by Lionel Earl of Dysart, and Ludovick Grant of that Ilk, 31st September 1699, and by Alexander Grant, younger of that Ilk, Lady Katharine Talmadge, Lady Doune, and Mistress Elizabeth Stuart, at Castle Grant, 29th December 1699. Signed, "Ludonick Grantt." "Lyonell Dysert." "Allexander Grantt." "Elizabeth Stuart." "C. Doune." The signatures at Edinburgh are witnessed, amongst others, by Duncan Forbes of Culloden; those at Castle Grant by Major Belshazar Cuydell, of Lord Jedburgh's regiment, and others.

387. Copy ARTICLES OF MARRIAGE between James Grant, second son of Ludovick Grant of that Ilk, with consent of his father, and he taking burden for the said James, on the one part, and Anna Colquhoune, daughter of Sir Humphrey Colquhoune of Luss, with consent of Sir Humphrey and Dame Margaret Houstoun, her mother, and the said Sir Humphrey, taking burden for her and his daughter, on the other part.

First. The said Ludovick Grant binds himself to dispone to the said James, his heirs and assignees, the lands and barony of Pluscarden, with castle and manor place thereof, comprehending the town and lands of Auchtertyre, etc., with the teind-sheaves and parsonage teinds thereof, and dues of property and superiority of the

same, formerly due to the deceased Thomas Mackenzie of Pluscarden, and now to the said Ludovick, lying in the glen of Pluscarden, parish of Elgin, and shire of Elgin and Forres, the old mills of Elgin and Mostowie, lands of Lewinshaugh, Glenturrach, and Blairnahall, Kelles, in the same shire, his entry to the said lands to be at Whitsunday 1702, without any burden, except of £22,000 Scots, payable at the said term, and bearing interest, which the said James is to pay to the said Ludovick, and an obligation by the said James to ratify a disposition of the lands of Brightmonie, sold by his father, and also to ratify what his father had done in reference to the sum of 5000 merks left to him.

Second. The said James binds himself to sell the foresaid lands at the first convenience, and apply the surplus of the price, over and above the £22,000, by paying it to the said Sir Humphrey, to be applied for paying his debts.

Third. Sir Humphrey is to dispone to the said James Grant, and the heirs of the marriage, whom failing, to the said James's other heirs to be nominated by him, as much of the lands and estate of Luss as should correspond to the sum to be paid to him at eighteen years' purchase, to be laid off at the sight of Sir William Hamilton of Whiteland and Sir John Houstoun of that Ilk.

Fourth. The said James agrees to provide by contract matrimonial with the said Anna Colquhoune, the parts of the estate of Luss so disponed to him, to the heirs after mentioned, and the Laird of Luss, by the same contract, is to provide the whole remainder of his estate, with the burden of his own liferent, and of 3000 merks of liferent to the said Dame Margaret Houstoun, to which she hereby restricts her liferent provided to her by her contract of marriage, and burden of such debts as are due by Luss, and not paid by the foresaid sum, or not paid through Luss's management of the liferent reserved to himself, to the heirs-male of the marriage, whom failing, to the eldest heir-female, and the descendants of her body without division, excluding heirs-portioners—the heir-male succeeding (except there should be only one son, who should also succeed to the estate of Grant) the eldest heir-female and the descendants of her body, bearing the surname, arms, and designation of Colquhoune of Luss, with a strict irritancy; and failing heirs of the marriage, the said lands to be provided to such heirs and substitutes as the said James Grant and Sir Humphrey shall nominate, etc. Declaring always that that part of the estate to be provided to the heirs of this marriage shall be redeemable by the heirs-male of Sir Humphrey's body and their descendants, for payment of £10,000 as tocher to the said Anna.

Fifth. The said Anna is to be provided to a jointure out of that part of the lands to be disponed to the said James Grant of 2000 merks Scots; and as much out of the lands to be provided by her father, in case the descendants of this marriage shall succeed thereto during the not redemption thereof by the heirs of Luss's body.

Sixth. The said James Grant is to be provided to the liferent of that part of the estate belonging to the said Sir Humphrey, which is to be provided thereby to the heirs of the marriage, except as much as extends to 3000 merks, etc.

Seventh. Sir Humphrey is to pay to the said James 900 merks yearly as tocher, the annual rent of the sum for which the lands are redeemable, etc.

Eighth. Provision for the daughters of the marriage.

Ninth. Provision for the said Anna if she survived her husband.

Tenth. In case the estate of Grant should fall to the said James, through the failure of his elder brother, and the heirs-male of his body, so that the heirs-male of this marriage shall succeed to the estate of Grant, then the next son of this marriage shall succeed to the estate of Luss; and failing a second son, the heir-male of this marriage that shall succeed to the estates of Grant and Luss shall be obliged to dispone the estate of Luss to the first second son that shall attain to majority or marriage at any time through the course of succession, and to the heirs-male of the said second son; whom failing, to the eldest heir-female and descendants of her body without division; whom failing, to the heirs-male, Lairds of Grant, descendants of the body of the said Anna Colquhoune, they being always obliged to dispone the estate of Luss to the first second son that shall happen to exist, and his heirs *ut supra;* and failing all heirs-male descending of the said Anna Colquhoune, to fall to the eldest heir-female descending of her body, and the descendants of the body of the said heir-female without division, and under the irritancy above specified. With other provisions. Dated at Edinburgh, 10th January 1702.

388. Translation of DIPLOMA in favour of Sir Humphrey Colquhoun of Luss and the heirs therein specified, of the Title and Dignity of Knight-Baronet, 29th April 1704. [Original Diploma at Castle Grant.]

Anna, by the grace of God, Queen of Great Britain, France, and Ireland, Defender of the Faith, to all good men to whom these our present letters shall come, greeting: Forasmuch as we, considering that virtue and valour can in no way be better promoted and rewarded than by conferring titles of honour and dignity upon men of good birth, by which they may be moved to do noble and honourable actions, and we, recalling to remembrance that our grandfather, King Charles the First, of eternal and blessed memory, on account of the distinguished, good, and gratuitous services done and performed to him by the late Sir John Colquhoun of Luss, and on account of the remarkable worth and merit of him and his predecessors, made, constituted, and ordained the said Sir John Colquhoun and his heirs-male whomsoever in the hereditary state, degree, rank, name, dignity, and designation of Baronet, with all and sundry prerogatives, precedencies, pre-eminences, immunities, liberties, privileges, and

others thereto belonging, according to the diploma and charter under his great seal, granted to the said Sir John Colquhoun thereupon, of date at the penultimate day of the month of August, the year of God one thousand six hundred and twenty-five; also that Sir Humphrey Colquhoun, now of Luss, who is successor to the said Sir John Colquhoun, or who represents him by progress, has by his letters-patent and procuratory of resignation made, granted, and subscribed by him, of date the thirtieth day of the month of March, the year of God one thousand seven hundred and four, RESIGNED the foresaid hereditary title, state, degree, rank, name, dignity, and designation of Baronet, with the whole prerogatives, privileges, precedencies, pre-eminences, immunities, liberties, and others thereto belonging, specified and contained at length in the foresaid charter and diploma above mentioned, into our hands as the fount and origin of every honour and dignity, in favour, and for a new diploma, gift, and grant of the same, to be given and granted in favour of the said Sir Humphrey Colquhoun and the heirs-male of his body lawfully to be procreated, whom failing, of James Grant of Pluscardie and the heirs-male lawfully to be procreated betwixt him and Anna Colquhoun, only daughter of the said Sir Humphrey, whom failing by decease, of the heirs-male of the body of the said Anna Colquhoun of any subsequent marriage lawfully to be procreated, whom all failing, of the said Sir Humphrey his other heirs of entail whomsoever, as authentic instruments made thereupon in themselves more fully set forth; which resignation and demission of the foresaid hereditary state, degree, rank, name, dignity, and designation of Baronet, with privileges, prerogatives, pre-eminences, precedencies, and others foresaid thereto belonging, We have graciously received, and We having the greatest confidence in the virtues, worth, and merits of the said Sir Humphrey Colquhoun; therefore, and for good and faithful services performed and paid by the said Sir Humphrey Colquhoun and his most worthy and well deserving ancestors to us and our Royal predecessors, KNOW YE that We have given, granted, renewed, and confirmed, as We, of our certain royal knowledge, own motive, special grace and favour, and our royal and ample power and regal prerogative, for us and our successors, by the tenor of the presents give, grant, renew, and confer upon the said Sir Humphrey Colquhoun and the heirs-male of his body lawfully to be procreated, whom failing, upon James Grant of Pluscardie and the heirs-male betwixt him and Anna Colquhoun, only daughter of the said Sir Humphrey, whom failing by decease, the heirs-male of the said Anna Colquhoun's body to be procreated from any subsequent marriage, whom all failing, the other heirs of entail whomsoever of the said Sir Humphrey, the foresaid hereditary state, degree, rank, name, dignity, and designation of KNIGHT-BARONET, with all and sundry prerogatives, precedencies, pre-eminences, places, ranks, immunities, liberties, privileges, and others thereto belonging, as the same were conferred, given, and granted to the

said deceased Sir John Colquhoun of Luss, predecessor of the said Sir Humphrey, and by him and his foresaid heirs enjoyed and possessed, or could be possessed and enjoyed according to the ancient diploma and charter above mentioned, granted to him thereupon under the great seal of our said ancient kingdom of Scotland, of date the said penultimate day of the month of August, the year of God one thousand six hundred and twenty-five, in the same manner as if the said Sir Humphrey Colquhoun had then been living and were specially named and designed therein. And We by the tenor of the presents make, constitute, create, and ordain the foresaid Sir Humphrey Colquhoun and his heirs foresaid for ever Knights-Baronet, and ordain and decern them, their wives and children, respectively to use, enjoy, and possess after the date of the presents, not only a like title, honour, dignity, and designation of Knight-Baronet, with place and precedence, both publicly and privately, in the same manner as any other Knights-Baronet in the said kingdom, and their wives and children, in any time past have possessed and enjoyed, or in future could possess or enjoy such title, but also the foresaid hereditary state, rank, name, dignity, and designation of Knight-Baronet, with the whole prerogatives of the same, privileges, precedencies, ranks, places, priorities, dignities, immunities, liberties, and casualties whatsoever, which the foresaid late Sir John Colquhoun of Luss and his heirs-male and his other children, as well male as female, and their wives and husbands and successors, brooked, enjoyed, held, and possessed, or could brook, enjoy, hold, and possess the same, in all places, assemblies, and conventions, as well public as private, in any time past or future, by virtue of the foresaid original diploma and charter above written, according to the form and tenor of the same in all points, and with all and sundry other formalities and solemnities used on like occasions; and we will and grant, and for us and our royal successors decern and ordain this generality to be as valid and sufficient, and of as much strength, force, and effect, to all intents and purposes, as if the same had been particularly and word for word herein at length inserted and ingrossed, notwithstanding that it be not so done, wherewith and with all that may follow thereupon, We have dispensed, and for us and our successors by the presents for ever dispense. Moreover, we command Lyon King-of-Arms, and his brother heralds, to give and prescribe to the foresaid Sir Humphrey Colquhoun and his foresaids such armorial bearings, or additions to former bearings, as on this occasion shall appear proper and fitting, or which they ought to have, bear, and possess, by virtue of this original diploma and charter above mentioned to that effect by the presents renewed, ratified, and confirmed. In witness of which thing, we have commanded our great seal to be appended to the presents. At our Court of St. James's, the 29th day of the month of April, the year of God one thousand seven hundred and four, and the third year of our reign.

By signature, etc.

389. Copy CONTRACT OF MARRIAGE between Ludovick and Alexander Grant, elder and younger of that Ilk, for themselves, and on behalf of Mistress Elizabeth Grant, eldest daughter to the said Ludovick Grant, and the said Mistress Elizabeth for herself, with consent of her father and brother, upon the one part, and Hugh Rose, elder and younger of Kilravock, with one consent, and the said Hugh Rose, elder, for himself, and on behalf of his said son, upon the other part, whereby the said Hugh Rose, younger, and Mistress Elizabeth, agree to marry each other. Hugh Rose, elder, binds himself, his heirs and successors, to dispone in fee to the said Hugh Rose, younger, his son, and the heirs-male of the marriage, whom failing, the said Hugh Rose younger's other heirs-male and assignees whomsoever, his lands and estate within the shires of Inverness, Nairn, and Ross (excepting the lands of Craighouse and Brea), and to infeft the said Mrs. Elizabeth and her affianced spouse in lands of the value of 30 chalders victual of free rent, besides customs, etc.; the said Mrs. Elizabeth, on the decease of her husband, to be infeft in an additional annualrent of 600 merks from lands in the shires of Inverness and Nairn, on this side the ferry of Arderseir: If there should be no male children of the marriage, but one daughter, she shall be provided to 18,000 merks; if two, the elder to 18,000 and the younger to 9000 merks; if three or more, they shall be provided to 36,000 merks, 15,000 to the eldest, and 21,000 to be divided amongst the rest at their age of fifteen years complete, or sooner if married. For which causes the said Ludovick and Alexander Grant bind themselves, their heirs, executors, and successors, to pay to the said Hugh Rose, elder of Kilravock, his heirs-male and assignees (secluding his executors), the sum of 18,000 merks Scots against Whitsunday next, 1705, as tocher, under a penalty of 3500 merks; with other provisions, and clause of registration. Dated at Castle Grant, 23d May 1704. Witnesses, John Grant of Ballnadalloch, George Grant, third son of the said Ludovick Grant of that Ilk, and others.

390. CONTRACT OF MARRIAGE between Alexander Grant, younger of Grant, Colonel of one of Her Majesty's regiments of foot, on the one part, and Anne Smith, daughter of John Smith, Esquire, Chancellor of Her Majesty's Exchequer in England, and one of Her Majesty's Privy Council, with advice and consent of her said father, and of Anne Smith, her mother, and the said John Smith for himself, and taking the burden on him for his said daughter, on the other part; whereby the said Alexander Grant and Anne Smith accept each other for their lawful spouses, and agree to complete the bond of matrimony with all conveniency: In contemplation whereof, the said Alexander Grant binds himself, his heirs and successors, to infeft and sease the said Anne Smith in a yearly annuity of £500 free of cess and other burdens, to be uplifted forth of his lands and baronies lying in Scotland, providing that as soon as the said

Alexander shall infeft his said spouse in such a part of his lands in Scotland as may yield £800 yearly, in security of the said £500, the rest of his estate shall be free of the said burden; and to infeft and sease himself and the heirs-male of the marriage, whom failing, the heirs-male of any other marriage, whom failing, the heirs-male and of tailzie mentioned in the rights of the estate, etc., in so much of the lands and estate in Scotland as pay £1200 of yearly rent, with the mansion-house of Castle Grant; and if there should be only daughters of the marriage, to pay to them, if there be only one, the sum of £5000; and if more, then to pay £6000, to be divided as their father should think fit, or otherwise as provided; and further, to pay his promised spouse, if she outlived him, the sum of £500 at the first term of Whitsunday or Martinmas after his decease, which, with the foresaid liferent provision, is to be in full satisfaction of all further provisions, terce, etc. She shall enjoy these provisions, and the said Alexander the tocher, although the marriage should be dissolved within year and day, except only in the case following, viz., in regard the said Alexander Grant is resolved to go to Flanders the ensuing campaign, and if it shall happen the said Alexander shall not return (as God forbid), and that the said Anne Smith shall not have a son of the marriage to succeed to the estate of Grant, or that the said Alexander Grant shall decease before perfecting of this marriage settlement by extending of this contract, in that case only the tocher of £5000 is to return to the said Anne Smith herself, and the liferent annuity provided to her to be extinct and void, etc.: For which causes the said John Smith has granted a bond for payment of £2000, and another for payment of £3000, of the date hereof, as the said Anne Smith's tocher; with other provisions. Subscribed at London, 7th April 1709. Witnesses, Sir John Haules of Lincoln's Inn, in the county of Middlesex, knight, Sir David Dalrymple of Hailes, Dougal Stewart of Blairhall, John Montgomerie of Wrae, Writer to the Signet, and others. In connection with this settlement there is a release, dated 27th July 1714, by John Smith, Esquire, of the parish of St. James, within the liberty of Westminster, by which he remits, releases, and quitclaims to Alexander Grant of Grant, in the kingdom of Scotland, Esquire, his executors and administrators, all and all manner of accounts, reckonings, claims, and demands whatsoever, for or by reason of any matter, cause, or thing whatsoever, to the day of the date of these presents.

391. Will and Testament of Alexander Grant of Grant, in the county of Inverness, Esquire, who hereby revokes all former wills made by him, and gives and bequeaths "unto my dear and loving wife Ann, all such plate and jewells which any ways belonged to her before marriage, or that I have had with her since, or that I now have or am any ways entituled to," also his coach and horses, and all his household goods and

furniture of what kind soever, or which he should have at his decease; and ordains his wife to be the sole executrix of his last will, "and do declare that the gifts I have herein before given her are by me intended over and above all provisions made to her by marriage settlement, and a subsequent indenture bearing even date herewith, or in any other manner whatsoever." Dated 28th March 1710. Signed, "A. Grant."

392. Articles of Marriage between Lieutenant-Colonel William Grant of the Independent Company, and Mrs. Anne Grant, second daughter of Ludovick Grant of Grant, with consent of Alexander Grant of Grant, younger, her brother, and him, the said Colonel Alexander Grant, for himself, with consent of, and as burden taker for his said sister. 1. The said Colonel William and Mrs. Anne Grant agree to be married with convenience. 2. Colonel William binds himself, his heirs and executors, to pay 4000 merks yearly of jointure, restricted to 3000 should there be heirs-male of the marriage. 3. Mrs. Anne, under burden of aliment to child or children of the marriage, is to liferent half, or if there be issue, a third of all heritable estate to be conquest by Colonel William during the marriage, and to clear what should be reputed conquest, he declares his present stock, including tochergood, to be 100,000 merks Scots. 4. If Mrs. Anne should survive Colonel William, she is hereby provided to the property of all their household plenishing, heirship moveables not excepted; and is to be infeft in as much of his estate as should produce the above 4000 merks yearly of jointure, under the above restriction, in case of there being an heir-male of the marriage. 5. Colonel William binds himself and his foresaids to pay to the heir-male of the marriage, or failing heirs-male of the present or other marriage, to the heirs-female, the eldest daughter always succeeding without division, but marrying a gentleman of the name of Grant, or one that, as well as the descendants of his body, succeeding to the estate and conquest, shall assume the surname and arms of Grant, whom failing, to return to the said Lieutenant-Colonel William and his heirs-male whatsoever, whom failing, his heirs and assignees whatsoever, the above sum of 100,000 merks Scots, the first term after his decease, under a penalty of 10,000 merks, or to purchase a land estate for the said principal sum, and take the rights thereof in favour of himself and the heirs above written, in fee, and to the said Mrs. Anne in liferent, to the extent and for the security of her liferent provisions above specified. 6. The said Lieutenant-Colonel William hereby provides the heir-male of the marriage, whom failing, and any other heir-male of any subsequent marriage, the heirs whatsoever of the said marriage, the eldest daughter having always the preference, and succeeding without division, etc., to all heritable estate that may be conquest or acquired by him during the marriage; reserving to the said Mrs. Anne her

liferent of the half or third thereof, with the burden of the said aliment, every heir-female succeeding to the estate being bound to marry a gentleman of the name of Grant, or one who will assume the name and arms of Grant, the contravener to lose the estate. 7. If there be no heirs-male of the marriage, and none of the daughters succeed to the estate by the above destination, the said Lieutenant-Colonel William binds himself and his foresaids to pay to such daughters, if one, 20,000 merks Scots, if two, 14,000 merks to the elder and 10,000 merks to the younger, if three or more, £20,000 Scots to be divided equally; saving that the eldest shall have 4000 merks more than the rest, to be paid the first term after their age of eighteen years complete, with education and entertainment till that age, in full of all they could claim through decease of their father or mother, saving the right of succession before recited. For which causes the said Mrs. Anne Grant, with consent of her said brother, assigns as part of her tocher to the said Lieutenant-Colonel William Grant, his heirs or assignees, certain debts and sums of money specified. The said Colonel Alexander Grant of Grant binds himself, his heirs, executors, and successors, to pay to the said Lieutenant-Colonel William Grant, his heirs, executors, and successors, the sum of 9500 merks Scots against the term of Martinmas 1712, as tocher under a penalty of 2000 merks; with other necessary provisions. Dated at Castle Grant, 30th October 1711. Signed, "Will. Grant." "Anne Grant." "A. Grant."

393. Articles of Contract of Marriage between Ludovick Colquhoun of Luss, advocate, on the one part, and Marion Dalrymple, daughter of Sir Hew Dalrymple of North Berwick, Lord President of the Session, now spouse of the said Ludovick Colquhoun, with consent of the said Sir Hew Dalrymple, and he for himself, on the other part, made after the marriage of the said Ludovick and Marion, as follows: The said Ludovick Colquhoun binds himself, his heirs and successors, upon his own charges to infeft the said Marion Dalrymple, his wife, in case she shall happen to survive him, in a liferent provision of lands paying the sum of 4000 merks Scots of free rent, over and above all burdens except cess, and to extend the writs thereon between the date hereof and 1st January next; and since the tailzie of Luss made by the deceased Sir Humphrey Colquhoun of Luss contained certain irritant clauses whereby the fee was provided to the deceased Dame Anna Colquhoun, his daughter, to whom the said Ludovick Colquhoun is heir of tailzie, served and retoured, and it is specially provided that it shall be lawful to the heirs of tailzie therein specified to infeft their spouses in liferent provisions of a part of the estate not exceeding the third part of the free rent, not in any wise by way of annuity to be uplifted furth of the tailzied estate, but in lands of so much yearly

rent by way of locality; and the said Ludovick being resolved strictly to observe the conditions of the tailzie in all points, it is agreed that if the 4000 merks exceed the third part of the free rent of the estate, the said liferent provision be restricted to the third part of the free rent of the tailzied estate; and in such a case the said Ludovick binds himself, his heirs and successors, to make up what was wanting of the 4000 merks, out of any other estate, personal or real, that shall belong to him at his decease, except the tailzied estate, etc. Which liferent provision the said Marion, with consent of her father, accepts in full satisfaction to her or her executors of all further liferent, terce, or third of moveables or what else might fall to her through decease of the said Ludovick, except as specially provided. In case there be no heirs-male of the marriage, but only daughters not succeeding to the tailzied estate, if only one, 30,000 merks is to be her portion; if two, 40,000; if three or more, 50,000, to be divided as their father shall think fit, or otherwise. On the other part, the said Sir Hew Dalrymple has given security for payment of a portion of 25,000 merks to the said Ludovick Colquhoun, his heirs or assignees, to be applied for further security to the said Marion of her liferent provision in the case above specified, and in the next place for a fund of provision for the younger children of the marriage: which provision the said Marion Dalrymple, with consent of her husband, and he for himself, accept in full satisfaction of all former provisions made to her by her father, etc. With other formal clauses. Dated at Edinburgh, 13th August 1728. Signed, "Lud. Colquhoun." "Marion Dalrymple." "Hew Dalrymple."

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